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THE LOCAL GOVERNMENT IN VIRGINIA

1500 - 1700

A DISSERTATION

Submitted to the Board of University Studies of the
Johns Hopkins University in conformity with the requirements
for the degree of Doctor of Philosophy

BY

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PREFACE.

The history of the colony of Virginia has been written largely from a provincial stand point, with special emphasis upon the colony itself, and with too little attention to the British point of view. This is especially true of the period 1690-1750, which marks the middle period between colonization and revolution. This period includes the history of two generations of men, who evidently had no small part in that earlier resistance to royal authority, which finally culminated in open revolt. Political, economic and social conditions in the colony were gradually undergoing changes. This was especially true, after about 1690. To get an adequate conception of the period of twenty-five years immediately preceding the Revolution, we must, therefore, study the middle period (1690-1750) rather than the earlier period of settlement (1607-1690).

The historians who have written upon colonial administration, have confined themselves largely to the seventeenth century. Doyle and Osgood, who have treated the American colonies in general do not therefore, give sufficient attention to Virginia. And if they did, their works would be inadequate since they do not cover the very period which is most needed to be treated. Bruce, in his economic and social histories and especially in his more recent institutional history, has confined himself exclusively to the seventeenth century. The treatment of the period (1700-1775) by Burk and by Campbell, is very brief and unsatisfactory.

It is thus readily seen that a careful study of the administration of the government after 1690 would furnish an account of a very important, and in fact, not well known period in the history of the colony. From 1651 to 1695 Parliament had passed certain navigation acts, but they were not rigorously enforced. After 1695, however, when England sought to give systematic form to her colonial administration, and to apply strictly a commercial policy, the new navigation act was made effective in its application. It was soon after this date that the permanent Board of Trade was established, and also that more attention was given to the formation of a regular system of royal officials in the colony. After this date, and even beginning with Culpeper (1682) and Howard (1683), the instructions to the governors included many matters of detail, showing the careful attention given by the home government to affairs in the colony.

The wars with France and Spain, had no small part in influencing the attitude of England towards her colonies. This was the beginning of England's naval supremacy, and it was at this time that the mother country desired more than ever before, to utilize the colonies as a source of naval supplies. It was during the first twenty-five years of this middle period (1690-1715) that there were numerous complaints against the colonies for the violation of the acts of trade. English merchants complained of irregularities, and the colonists maintained that the demands of the merchants were unjust.

But during the second part of this middle period (1715-1750) conditions were quite different from any period which preceded. There was no special menace to trade on the high seas, since England was no longer at war with France or Spain, and the number of pirates had been greatly reduced. The Indians were not of special trouble

at this time and it was after this period that the French and Indian War occurred. Upon the death of Queen Anne, the Hanoverians under George I ascended the throne and with him, Townshend, Stanhope and Walpole. It was at this time that there was, to a certain degree, a neglect of the colonies, and the abandoning of the attempt to apply quite so rigidly the laws of trade and navigation. Thus the colonies were allowed, in large measure, to administer their own affairs. The legislature was permitted to increase its power at the expense of the authority of the royal governor. While there were as usual, in the instructions to the governors, clauses indicating the royal disapproval of provincial manufactures, and the importance of a strict enforcement of the acts of trade, and similar matters, the colony was, however, in the main, permitted to have its own way.

Thus, in the first part of this middle period, (1690-1715), the colonists complained of the oppressive demands of the home government, while in the second (1715-1750) they gained sufficient self-confidence to offer (between 1750-1775) a defiant attitude to the renewal of the former oppressive methods.

In order to account in a careful scientific way for the Revolution, a thorough study of the actual administration of the colony must be made for the period indicated. As it is our purpose to furnish a brief account of the more important officials, it will be necessary in some cases to trace the history of them from their origin in the seventeenth century. Since there remain but twenty-five years between the end of the middle period and the Revolution, we have decided to continue in this study our investigation for these years.

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In the treatment of each official, special attention will be given to the appointive power in order that it may be ascertained just how far royal authority extended in the governmental system of the colony.

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THE ROYAL GOVERNMENT IN VIRGINIA

1700 - 1775

C O N T E N T S

C H A P T E R I.

1. Introduction
2. Loyalty to the King
3. British officials concerned with the colony
4. Influence in making appointments
5. Merchants

CHAPTER II.

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C H A P T E R I I I.

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2. Membership, Number, Attendance

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(b) Relation with the governor

Legislative

Judicial

Ecclesiastical

(a) Commissary

5. Dignity of Councillorship

6. President of the Council

7. Solicitor of Virginia Affairs

8. Efficiency of the Council both as a body and as individuals

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 - (c) Judicial
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6. Collectors of Duty on Slaves
7. Collectors of Duty on Skins and Furs
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13. Searcher
14. Inspectors of Tobacco
15. River Pilots
16. Postmaster
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11. Judge of Vice-admiralty Court.
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13. Receiver-General of Royal Rights & Perquisites of the Admiralty.
14. Collectors of the Six Pence per Month from Seamen's Wages for the Royal Hospital at Greenwich.
15. Commissioners for Trying Pirates.
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4. Relation to the House of Burgesses.
5. Relation to the Indians.
6. Indian Interpreter.
7. Superintendent of Indian Affairs.
8. Intercolonial Relations.
9. Efficiency of the Military System.

C H A P T E R I X.

Governmental Officials in Virginia.

C O N C L U S I O N

A P P E N D I X

C H A P T E R I.

... the interests of the political ...
... under his immediate ...
... Sir Francis Wyatt and twelve councillors to assist ...
... of the government, subject to royal orders. There seems ...
... to have been at first some dissatisfaction at the royal change ...
... the former administration, although it had been rather severe ...
... oratory, to that of direct royal government. During the first ...
... many years following this change several attempts were made ...
... restore the power of the Company, but they were defeated by the ...
... of the governor, the Council, and the General Assembly, ...
... of which authorities were opposed to a return to a proprietary ...
... government.¹

Virginia continued as a royal province from 1624 to 1775, ...
... with the exception of the period of eight years (1651-1660) ...
... of the Protectorate. The colony under the control of Berkeley ...
... did not acknowledge Cromwell until forced to do so by the two ...
... supported by a fleet. The Assembly declared that all those ...
... defended the "late traiterous proceedings" in England, should be ...
... considered accessories to the death of the king, and that those ...
... questioned the rights of Charles II. in Virginia, would be deemed ...
... guilty of treason. And even when in 1650 an act of Parliament ...
... passed to compel the submission of the colony, the Assembly re-
... solved to maintain its allegiance to the crown.²

1. Mr. Dunsen - April 1, 1775
2. Hist. of Va. I 161
3. Hist. of Va. I 161
4. Hist. of Va. I 161
5. Hist. of Va. I 161

... established a practically uninflected Cromwellian rule in the lands of the colonists.¹ There were, however, no attempts, after acknowledging the Cromwellian protectorship, to disown that allegiance. This was due in part, no doubt, to the fact that the colony was unmolested by Cromwell, and that the Assembly controlled the appointment of the governor and the Council, and really administered the affairs of the colony.

Although Virginia seemed to have changed very quickly from a staunch opposition to quiet submission to the rule of Cromwell, the people were sincerely loyal to the crown. No doubt the favorable terms of the surrender, and the fact that Cromwell left the colony to administer its own government without interference from England, accounted for this. Since the governors (except Richard Bennett, one of the parliamentary commissioners,) were elected by the Assembly and not appointed by the Commonwealth government, and the people were thus permitted to control the chief executive office of the colony, it is not strange that there was little opposition to Cromwell.² The loyalty of the colony to the crown was very clearly shown during the years immediately after 1660. This very pronounced loyalty to the crown continued until 1674,

1. Vening I 536 (Note)

Andrew, "The Commonwealth of England, 1653-1660"

2. When royal government was reestablished, Berkeley was elected (March 28, 1660) by the Assembly, but was not commissioned by the King until July 31, 1660.

Handwritten notes:
The Assembly
...
...
...

... the Legislature to ... the ...
 ... the ... of the Stamp Act: "We ...
 ... in Great Britain and her colonies, ...
 ... wish that no future accident ever inter-
 ... essential to the well being of each of them; and ...
 ... have reason now to conclude that the Parliament of
 Great Britain (from the instance lately given in the ...
 ... and the ... laws passed in ... of the ...
 ... with America) was actuated by the true principles of fellow-
 ... with us, we cannot but wish that the graceful harmony of an in-
 ... and dutiful children may constantly subsist ...

Even in 1769, when the Burgesses passed resolutions ...
 ... colonists that on account of the state of trade, and the ...
 ... owed the British merchants, to be "fragile" in the use of
 British manufactures, it seems that this policy was adopted ...
 that they considered just argument. The purpose as stated in
 the resolutions was that the British merchants and ...
 ... "from motives of interest, friendship and justice, ...
 to have the grievances of the colonists removed." ...
 passage of these resolutions toasts were drunk by the Burgesses ...
 to the king, the royal family, the ... and a "speedy ...
 lasting union between Great Britain and her colonies", ...
 followed by another to the "Constitutional British ...
 ... and all true patriots, the ... as their ...

live in ~~the~~ ^{the} colony, for the colonists were seeking only their rights as British subjects, and did not desire to withdraw their allegiance from the crown.

The plan of boycotting British goods, with the hope of thereby securing the repeal of the acts of Parliament laying certain duties for revenue, was for a few months executed. On June 28, 1770, an association was formed for this purpose by certain members of the House of Burgesses and some of the merchants, especially those in London and Williamsburg. The resolutions specifying the grievances of the colonists and the purposes of those who were members of the association, bore one hundred and sixty-four signatures.¹ The opening paragraph contained the following words: "We his Majesty's most dutiful and loyal subjects of Virginia, declaring our inviolable and unshaken fidelity and attachment to our gracious sovereign....." thus showing the desire to remain loyal. Within six months, however, the effort to create interest in this association, throughout the colony, had failed. Rotchford, in a letter to the Secretary of State, gave an account of this association, held that the British merchants were largely responsible for it.²

Before studying the details of the administration of the government of the colony, it would be well to consider briefly the officials and others in England, who exerted much influence over the colony and filled the offices in Virginia.

From 1684 to 1745 the committees of the Virginia Company, which had been established in 1607, continued to advise colonial affairs, and to

1643 to 1660 P. 50. The king's general supervision of the colonies and the conduct of trade. Until before 1660, the colonies did not play a conspicuous part in English affairs, and relatively not a great deal of attention was given to them. Under Charles II. there was adopted a definite colonial policy, the essence of which is regarded as an essential part of English history.¹ It was the desire that the colonies should be considered as composed of one commonwealth, under the direct jurisdiction of the King.² In reality, however, the authority in the King in Council was represented by a standing committee of the Privy Council.³ After 1660, and to some extent previous to that date, the management of trade and plantations was placed in the hands, first of special boards, and afterwards of these committees of the Privy Council.⁴

While the king, who really never acted independently of the Council, left colonial affairs to the Council, still he had some part in disposing of them, certainly so far as signing certain commissions and warrants was concerned.⁵ Many matters sent to the

1. Acts of Privy Council (Col. Ser. 1613-1660) Preface 17

2. Andrews, Colonial Self-Government, 22, 23
Boyle, English Colonies in America, I, 341.

3. Beer, Origins of British Colonial System, 310-313

4. Beer, Origins of British Colonial System, 310-313
Andrews, Colonial Self-Government 22, 23

5. The "sign manual" of the king was not colonial and not so significant as the "great seal of Great Britain", which was the authentic expression of the royal will - Arsenal and Library of the
New York Public Library

... service to which the matter in question pertained, such as the Admiralty Office, the Custom House, or the Treasury. While the king did not in many cases personally pass upon matters concerning the administration of his government, still he, through his deputies, the Lords of the Admiralty, the Commissioners of Customs, the Lords of the Treasury, and especially the Secretaries of State and others, was administering his office. These officials acting as his secretaries were in law the king.¹

In 1675 a new standing committee of the Council composed of twenty-four members, who were known as the Lords of Trade and Plantations, had general supervision of colonial affairs. This committee generally sat in the Council Chamber at Whitehall, and among those who frequently attended the meeting were the king, the princes, the archbishop, the Chancellor of the Exchequer, and the Lord High Chancellor.² In 1688 the whole Privy Council was a standing committee for trade and plantation. But in 1696 this committee was dissolved and its powers were transferred to a body of commissioners, known as the Council of Trade, which after 1699 was referred to as the Lords Commissioners of Trade and Plantations, or as the Board of Trade.³

1. The royal will was expressed by an order in Council, or by order, commission, or warrant, under the sign manual of the king, or by writs, letters, patent, or other documents under the great seal. - Anson-Law & Customs of the Constitution II.

2. Andrews, Colonial Self Government, 28.

3. Andrews, Colonial Self Government, 28; also Andrews, Colonial Self Government and Plantations, 1688-1697, 17-18; 6, 18.

...¹ ... of Trade ...
... matters pertaining to the colonies, and ...
... correspondence to and from them, subject, of course, to con-
... view by the King in Council, still other British officials, ...
... exercised more authority in all matters of any im-
... portance.² The Lords of the Treasury, for example, had very
... dealing directly or indirectly with finance, referred to them by the
... Board of Trade, the Commissioners of Customs and others.³ In ad-
... tion to the Board of Trade, the Lords of the Treasury, and the Com-
... missioners of Customs, the other British officials, who had much to
... do with colonial administration, were the auditor-general of the
... revenues, the attorney and solicitor general, and the Lords of the
... Privy Council.

H. Andrews, Colonial Self Government, 27.

A few years before the Revolution the instructions to the
governor show that certain matters formerly reported to the
Board of Trade, were to be reported to the Secretary of State.

9. Cal. St. P. Treas. (1557-1696) 471

10. Cal. St. P. Treas. (1557-1696) 203, 231, 426 (1708-1714) 94, 547
Jour. Board of Trade xxv 185.

The Lords of the Treasury were called upon to consider
matters which apparently had no bearing upon the busi-
ness of their office, for example, a petition of the
Assembly of Virginia for leave to erect a school and
a memorial of merchants trading in Virginia to prohibit
exportation of tobacco in bulk; certain laws passed in Vir-
ginia relating to revenue duties and manufacturers; the
of a merchant ship and the request of the owners for
from port duties on it; request of certain merchants
voy of ships to accompany their vessels; the examining
revenue accounts, and request of the governor for
compensation. - Cal. St. P. Treas. (1557-1696) 471, 472,
(1708-1714) 94, 547.

A striking example of the variety of matters which
the Board of Trade considered is the petition of the
Assembly of Virginia for leave to erect a school and
a memorial of merchants trading in Virginia to prohibit
exportation of tobacco in bulk.

 

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1. Cal. St. P. Treas. Pocks & Papers, (1731-1734) 536.
 2. Cal. St. P. Treas. (1714-1719) 66, 135. The petition of 1719
 1719 (1719-1721) on behalf of William Byrd, Governor-General, for
 a wage in the per cent. charged for services, was sent by the
 Treasury to Blathwayt for his approval. The warrant of the
 Queen to Nicholson, authorizing him to issue an order on the
 General to pay out of the quit rents £ 300 to Edmund Jennings for
 advising the laws of the colony, was endorsed by Blathwayt.
 3. The warrant was issued under the authority of the Lords of the Treasury department
 auditors in each colony, and was subject to the approval of the Lords
 of the Treasury in suspending or removing them.³

4. To the attorney and solicitor-general, who were legal advisers
 of the king and the attorneys for him in court, were referred the
 laws passed in the colonies for their opinion on them. They also
 passed on the legal points involved in the proposals and suggestions
 of the governors, and on the extent of the governor's power.⁵ The dis-
 cussed matters examined by them may be inferred when such as the
 seizure of goods, a dispute between the importers of rum and a naval

1. Cal. St. P. Treas. Pocks & Papers, (1731-1734) 536

2. Cal. St. P. Treas. (1714-1719) 66, 135. Jour. Va. Council (1714-1719)

3. Blathwayt's Jour., II. 295, 541

4. Jour. Va. Council (1703-1721) 26

5. Va. Historical Register II, 182. Blathwayt's Jour., I. 11.

6. They were two persons who usually acted together.

7. Acts of Privy Council, II. #320, #1282.

... it was necessary for the ... of ...
 ... in council for the establishment of two new colonies ...
 ... colony.³

The governor of Virginia held, as vice-admiral, his court ...
 ... the great seal of the High Court of Admiralty of Great Britain ...
 ... pertaining to guard ships and convoys were referred to the ...
 ... Office, and the appointments of the officers of the Admiralty ...
 ... in the colony were submitted to the Lords of the Admiralty ...
 ... and their names were kept on record in that office.

That much influence was brought to bear upon British officials ...
 ... in England, in making colonial appointments may be readily inferred.

Those who thus wielded influence over colonial affairs were the ...
 ... who traded in Virginia and Maryland.⁴ The policy adopted ...
 ... Charles II, in regard to the colonies was largely influenced by the

- 1. Jour. Va. Council (1698-1703) 119; (1721-1734) 217, 261, 282
- 2. Journals (1705-1707) 567, 568; (1706-1714) 47
- 3. Jour. Board of Trade II. 325; IV. 133, 203; VI. 224; XII. 307; XIV. 108; XVI. 194; XVII. 108
- 4. Jour. Board of Trade XXXIII. 246
- 5. Journals (1691-1697) 297
- 6. One example of men in Virginia soliciting the cooperation of men of affairs and influence in London was that of William Byrd, who wrote to Sir Charles Wager, requesting him to use his influence to secure for him the office of surveyor-general of customs for the Southern district of America.

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order on 10th Dec 1703, for £1000, and the records of the Treasury for the year of 1704, which was five per cent.³ In 1705 the colony of Virginia, by order of Council, remitted to Nicholas Berry

£11 of exchange for £ 1639, which was the amount of the year 1704.⁴ He had a brother who was a merchant in York County,

Virginia, and a nephew who was also a merchant in Charles City. His interest in colonial affairs was not confined to Virginia, for on occasion he furnished the colony of New York with £ 8000. He had much influence with British officials, and his part in the affairs of the colony is thus quite apparent.

Certain merchants occupied in some instances an intermediate position between the governor and the home government. Regarding supplies of various kinds furnished by Dinwiddie himself to the colony ordered to Virginia, by the home government, he in writing to Messrs. J. & C. Hanbury, London merchants, said, "I must beg you to apply

1. Col. St. P. Treas. (1714-1719) 91

2. Ibid. (1702-1714) 151.
 3. Treasury III, 687

4. O'Keefe's Jour. II, 541.

5. G. Mag. Hist. & Biogr. XVI, 75

6. Ibid. 1703 page 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355

7. Col. St. P. Treas. (1702-1714) 151.

...the ...
...the ...
...to His Majesty's commands, I have transmitted up to the
to the paymaster general of the army for £ 2000 payable to Mr. T.
Hanbury, from the revenue of two shillings per hogshead on
tobacco."² The same merchant on other occasions transacted
business for Dinwiddie. The following will suffice to show
in addition to the foregoing the several governmental services he
rendered. In 1754, writing to the Secretary of the Board of Admiralty
he said, "I desire you will send me thirty passes, and Mr. John Han-
bury will pay you for those you last sent me."³ In a letter to the
Earl of Grenville, the proprietor of North Carolina, regarding
of money forwarded him by his agent in North Carolina through Din-
widdie, is this statement: "I enclose your lordship my own draft on
Messrs. J. and C. Hanbury for £ 429."⁴

The British government thus recognized the important part
which the merchants had in the development of the colonial trade,
and also in the actual administration of affairs. A striking example
of the encouragement given by the home government to the merchant
was the clause in the instructions to the governors of Virginia (the
Culpeper (1682) to Dunmore (1771) directing them to render assis-
tance to merchants, and especially to the Royal African Company.

1. Dinwiddie Papers I. 252, 337. He was reimbursed out of the two
Ibid. II. 271 shillings per hogshead revenue,
which he had expended.
2. Ibid. II. 50
3. Ibid. I. 105
4. Ibid. 136

... of " ... " ...
 " ... " The governor was ordered to prevent any
 ... between Virginia and the part of Africa under the jurisdic-
 ... of that company, and to report annually the number of negroes
 imported. The home government further sought to protect these
 ... other merchants by a special clause in the instructions to the
 ... in 1768, regarding the courts of the colony. It
 ... that owing to the frequent adjournment of courts, the Royal
 African Company and others were prevented from recovering debts
 ... The governor was to see that this irregularity was not re-
 ... and also to refuse to give his assent to any act of the
 Assembly imposing a duty on negroes imported into the colony to
 "great discouragement of merchants trading to Africa." Notwith-
 ... the unquestionable support of the Royal African Company by the
 British government, the above instruction in regard to not re-
 ... sitting any act of the Assembly laying a duty on negroes was not
 ... ly executed, for the government approved the acts for this purpose.
 The preamble of these acts specified that the duty was for "lessen-
 ing the levy by poll", for "building the Capitol", for paying the
 debt incurred by the French and Indian War, and for "other public
 charges."

The revenue from this duty was thus appropriated to the support
 of the government, which fact, no doubt, accounted for the approval
 by the British authorities. The real motive of the colonists in
 laying a duty on slaves was to prevent the increasing importation
 of them. In addition to this, the bourgeois, as late as 1778, in
 ... to the king ...

1. The first thing I noticed when I stepped out of the car was the cold. It was a sharp, biting cold that seemed to penetrate my very bones. I shivered involuntarily, my teeth chattering. The air was thick with a heavy mist, and the ground beneath my feet was slick with frost. I took a deep breath, trying to warm myself, but the cold was relentless. I looked around, trying to get my bearings. The street was empty, the only sound being the soft crunch of snow underfoot. A few distant lights from buildings and street lamps provided a dim, hazy glow. I felt a sense of isolation, a feeling that I was alone in a vast, cold world. I tightened my coat, trying to hold onto the warmth I could find within it. The cold was a constant presence, a reminder of the harshness of the environment. I knew I had to keep moving, to find someplace where I could escape the cold. I took a few more steps, my breath visible in the air. The cold was a challenge, but I was determined to overcome it. I would find my way through this winter wonderland, no matter how difficult the journey might be.

2. As I walked further down the street, the cold seemed to intensify. The mist was now a thick, white blanket that obscured the view. I could barely see a few feet ahead of me. The ground was uneven, with patches of snow and ice. I had to be careful not to slip. The cold was a constant reminder of the danger I was in. I knew I had to find shelter as soon as possible. I looked for any signs of life, any place where I could seek refuge. A few distant lights from buildings and street lamps provided a dim, hazy glow. I felt a sense of isolation, a feeling that I was alone in a vast, cold world. I tightened my coat, trying to hold onto the warmth I could find within it. The cold was a challenge, but I was determined to overcome it. I would find my way through this winter wonderland, no matter how difficult the journey might be.

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...ed. In ... y ...
 ...: "We are a little ... of you. ..."
 ... in Great Britain may reap emoluments from this ...
 ... , but even so consider that it greatly retards the ...
 ... of the colonies with more useful inhabitants, and may ...
 ... the most destructive influence, we presume to hope ...
 ... of the few will be disregarded when ... in ...
 ... the security and happiness of such numbers."¹

That the merchants occupied a position of much influence
 ... quite apparent, and that they used this influence in their
 ... interest to so marked a degree as to often ... the ...
 ... clearly shown by the remonstrances against them. There ...
 ... least complaint during the period from 1700 to 1775, and in
 ... 1760. The protest against the oppressive demands of the
 ... merchants in 1732, resulted in the petition known as the "Case
 ... of the Planters of Tobacco in Virginia", which was sent to ...
 ... by a special agent. It was a memorial of the ...
 ... 1732, ... by the governor (Gooch)⁸ complaining of ...
 ... of British merchants, who had added to the already heavy ...
 ... importation and custom duties other demands which made it ...
 ... possible for the planters to make a profit. This effort, ...
 ... proved a failure.

The action of the merchants against later in ...
 ... they of the colony, seemed to ...
 ... 17, 1765, ...

... H ...

1. The first part of the paper discusses the importance of the study of the history of the English language. It is noted that the English language has a long and rich history, and that the study of its development is essential for a full understanding of the language.

2. The second part of the paper discusses the importance of the study of the history of the English language. It is noted that the English language has a long and rich history, and that the study of its development is essential for a full understanding of the language.

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10. The tenth part of the paper discusses the importance of the study of the history of the English language. It is noted that the English language has a long and rich history, and that the study of its development is essential for a full understanding of the language.

... his Majesty's ...
 ... of six ... never on 11 after ...
 ... failed went into a measure so little relished, and ...
 ... in the instance of ... consequence, confined the ...
 ... notes to the money granted." The merchants claimed ...
 ... are being unjustly dealt with as the instructions to ...
 ... of January 31, 1769, were not complied with. The ...
 ... sent at that time an address to the King in regard ...
 ... issue of paper money, in order to avoid any contention ...
 ... might be later raised by the merchants. It was not until ...
 ... 1768, that they complained. Regarding their ... the King ...
 ... in the later address said: "We concluded that as they raised no ...
 ... objection, they were satisfied of our intention to do them jus- ...
 ... tice, and we can venture to say that had we known our reasons ...
 ... satisfactory, it would have prevented several subsequent ...
 ... and particularly the last which gave rise to this ...
 ... complaint." After declaring their purpose to pay any debts ...
 ... to the merchants in sterling money as far as possible, and ...
 ... the notes confined of were issued for a limited time and ...
 ... were secured by taxes, the burgesses in their address said: "At ...
 ... the time we considered how the interest of the public ...
 ... might be affected by this money, and at least ...
 ... a ... power, ... by, ...
 ... of the ... of the ...
 ... of the ...
 ... of the ...
 ... of the ...

... considered by the ...
... allowed to settle at what rate of exchange sterling be ...
... discharged. The merchants did not, however, consider
... sufficient security.

The decision of the burgeoises in the matter as stated in ...
... as follows: "As the present possessors of the Treasury
Notes have received them under the faith of a law, making them a
legal tender in all payments, except for his Majesty's quit rents,
to alter that essential quality of them, now, would be an act of
injustice to such possessors, and that as the British merchants have
justly received, and under the present regulations of the ...
will continue to receive such notes for their sterling debts, ac-
cording to the real difference of exchange between this colony and
Britain at the time of payment, their property is so secured as to
such alteration unnecessary with respect to them."

The merchants renewed their complaint to the Board of ...
1764, hoping to obtain their demands through that body and the
before laying the matter before Parliament.¹ Fauquier in pre-
siding the claim of the merchants maintained that it was "reasonable
in the face of it." The reply of the burgeoises to him (Nov. 1764)
expressed quite clearly their position. "As we have not sterling
money here, which the merchants well know, we could not ...
... from injury to the credit of the colony."

C H A P T E R I I.

1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100. 101. 102. 103. 104. 105. 106. 107. 108. 109. 110. 111. 112. 113. 114. 115. 116. 117. 118. 119. 120. 121. 122. 123. 124. 125. 126. 127. 128. 129. 130. 131. 132. 133. 134. 135. 136. 137. 138. 139. 140. 141. 142. 143. 144. 145. 146. 147. 148. 149. 150. 151. 152. 153. 154. 155. 156. 157. 158. 159. 160. 161. 162. 163. 164. 165. 166. 167. 168. 169. 170. 171. 172. 173. 174. 175. 176. 177. 178. 179. 180. 181. 182. 183. 184. 185. 186. 187. 188. 189. 190. 191. 192. 193. 194. 195. 196. 197. 198. 199. 200. 201. 202. 203. 204. 205. 206. 207. 208. 209. 210. 211. 212. 213. 214. 215. 216. 217. 218. 219. 220. 221. 222. 223. 224. 225. 226. 227. 228. 229. 230. 231. 232. 233. 234. 235. 236. 237. 238. 239. 240. 241. 242. 243. 244. 245. 246. 247. 248. 249. 250. 251. 252. 253. 254. 255. 256. 257. 258. 259. 260. 261. 262. 263. 264. 265. 266. 267. 268. 269. 270. 271. 272. 273. 274. 275. 276. 277. 278. 279. 280. 281. 282. 283. 284. 285. 286. 287. 288. 289. 290. 291. 292. 293. 294. 295. 296. 297. 298. 299. 300. 301. 302. 303. 304. 305. 306. 307. 308. 309. 310. 311. 312. 313. 314. 315. 316. 317. 318. 319. 320. 321. 322. 323. 324. 325. 326. 327. 328. 329. 330. 331. 332. 333. 334. 335. 336. 337. 338. 339. 340. 341. 342. 343. 344. 345. 346. 347. 348. 349. 350. 351. 352. 353. 354. 355. 356. 357. 358. 359. 360. 361. 362. 363. 364. 365. 366. 367. 368. 369. 370. 371. 372. 373. 374. 375. 376. 377. 378. 379. 380. 381. 382. 383. 384. 385. 386. 387. 388. 389. 390. 391. 392. 393. 394. 395. 396. 397. 398. 399. 400. 401. 402. 403. 404. 405. 406. 407. 408. 409. 410. 411. 412. 413. 414. 415. 416. 417. 418. 419. 420. 421. 422. 423. 424. 425. 426. 427. 428. 429. 430. 431. 432. 433. 434. 435. 436. 437. 438. 439. 440. 441. 442. 443. 444. 445. 446. 447. 448. 449. 450. 451. 452. 453. 454. 455. 456. 457. 458. 459. 460. 461. 462. 463. 464. 465. 466. 467. 468. 469. 470. 471. 472. 473. 474. 475. 476. 477. 478. 479. 480. 481. 482. 483. 484. 485. 486. 487. 488. 489. 490. 491. 492. 493. 494. 495. 496. 497. 498. 499. 500. 501. 502. 503. 504. 505. 506. 507. 508. 509. 510. 511. 512. 513. 514. 515. 516. 517. 518. 519. 520. 521. 522. 523. 524. 525. 526. 527. 528. 529. 530. 531. 532. 533. 534. 535. 536. 537. 538. 539. 540. 541. 542. 543. 544. 545. 546. 547. 548. 549. 550. 551. 552. 553. 554. 555. 556. 557. 558. 559. 560. 561. 562. 563. 564. 565. 566. 567. 568. 569. 570. 571. 572. 573. 574. 575. 576. 577. 578. 579. 580. 581. 582. 583. 584. 585. 586. 587. 588. 589. 590. 591. 592. 593. 594. 595. 596. 597. 598. 599. 600. 601. 602. 603. 604. 605. 606. 607. 608. 609. 610. 611. 612. 613. 614. 615. 616. 617. 618. 619. 620. 621. 622. 623. 624. 625. 626. 627. 628. 629. 630. 631. 632. 633. 634. 635. 636. 637. 638. 639. 640. 641. 642. 643. 644. 645. 646. 647. 648. 649. 650. 651. 652. 653. 654. 655. 656. 657. 658. 659. 660. 661. 662. 663. 664. 665. 666. 667. 668. 669. 670. 671. 672. 673. 674. 675. 676. 677. 678. 679. 680. 681. 682. 683. 684. 685. 686. 687. 688. 689. 690. 691. 692. 693. 694. 695. 696. 697. 698. 699. 700. 701. 702. 703. 704. 705. 706. 707. 708. 709. 710. 711. 712. 713. 714. 715. 716. 717. 718. 719. 720. 721. 722. 723. 724. 725. 726. 727. 728. 729. 730. 731. 732. 733. 734. 735. 736. 737. 738. 739. 740. 741. 742. 743. 744. 745. 746. 747. 748. 749. 750. 751. 752. 753. 754. 755. 756. 757. 758. 759. 760. 761. 762. 763. 764. 765. 766. 767. 768. 769. 770. 771. 772. 773. 774. 775. 776. 777. 778. 779. 780. 781. 782. 783. 784. 785. 786. 787. 788. 789. 790. 791. 792. 793. 794. 795. 796. 797. 798. 799. 800. 801. 802. 803. 804. 805. 806. 807. 808. 809. 810. 811. 812. 813. 814. 815. 816. 817. 818. 819. 820. 821. 822. 823. 824. 825. 826. 827. 828. 829. 830. 831. 832. 833. 834. 835. 836. 837. 838. 839. 840.

[illegible][illegible]

... frequent absence of the governor from the colony. The result, therefore, of appointing a member of the nobility, elected in 1704, of appointing a member of the nobility, himself remained in England, but sent his lieutenant governor to the colony. The first lieutenant-governor under this system (Pott, however, commissioned as governor in order that he might exercise proper authority in quieting the disturbed conditions due to the dictatorial measures of the preceding governor. The general impression has been that the office of governor-in-chief was simply a sinecure and that the favorite who secured the appointment, concerned himself little, if at all, with the affairs of the colony. In examining the correspondence of the lieutenant-governors and also the minutes of the Board of Trade, shows that, although the governor-in-chief was not given additional powers, still he interested himself in the affairs of the colony and rendered a great service in negotiating with the home government for the benefit. There was in London an agent of the colony, to whom all matters were referred by the governor and Council, still in his negotiations he was to be advised by the governor-in-chief. In a letter (Nov. 16, 1713) to Colonel Blakiston, the agent of the colony, Spotswood instructed him in regard to presenting an enclosed address of the General Assembly to the king, which service he was to perform, "after having concerted with the Lords Commissioners of Trade, and with the Secretary of State, the proper time for doing it." That this was the ordinary procedure was evidenced by another letter (Dec. 1, 1714) from Spotswood to the Council in regard to addresses of the Council and the burgesses, "I desire you will present, as usual, in person, the address of the Council and the burgesses to the king."

... the Governor-in-Chief in regard to the appointment of
Council. The lieutenant-governor submitted his recommendation
vacancies in that body, to the Board of Trade, which were to be
by the governor-in-chief.¹ An entry in the Journal of the
of Trade is very clear on this point: "Ordered, that the Earl of
be acquainted that this Board having under consideration the filling
such vacancies as are at present in the Council of Virginia, they are
desirous to know whether his Lordship has any person to recommend
those places."²

In case of serious conflict between the lieutenant-governor and
either the Council or the Burgesses, the Board of Trade, of course,
consulted the governor-in-chief as to the best course to pursue.
The Earl of Orkney recommended certain measures in the hope of settling
the dispute between Spotswood and the Council.³ The Journal of
a little later date contains this statement: "The Earl of Orkney, on
to the Board, their lordships had some discourse with him, concerning
the differences between Colonel Spotswood and the Council."⁴

In a letter of May 26, 1719, to the Secretary of State, in regard
to the decision of the grand jury, disavowing the accusations of the
Burgesses against him, Spotswood stated that he had requested the Earl
of Orkney to present it to the king. He said, "I have transmitted it
to my Lord Orkney, not doubting his Lordship will use your advice and
assistance in the presenting it".⁵

1. Journal Board of Trade: XX 274; XXX 457.
2. Ibid. XXIII 435.
3. Ibid. XXVII 400.
4. Ibid. XXVIII 196.
5. Spotswood Letters II 334.

and the burgesses is indicated by a criticism of the policy which the governor-in-chief was permitted to remain in England. In a letter to the Secretary of State Oct. 22, 1718, Spotswood said: "It is not altogether personal against me, but that even government itself is the burden they complain of; they attribute the source of these evils to my Lord Orkney, who doth not reside among them, as well as to myself, who is on the place, for which reason, their agent, Mr. Byrd, is to procure the removal of us both".¹ Spotswood was removed within about three years but if any effort were made to have Orkney removed, it proved futile. While no such opposition to the office of governor-in-chief occurred, still there was some objection to having a deputy filling the governorship. The interest of Orkney in other than purely political matters in the colony was shown by his negotiations with the Board of Trade in regard to the encouragement of the plan proposed by Spotswood to develop the mine which had been discovered.²

Upon the death of the Earl of Orkney in 1737, the Earl of Albemarle was appointed to succeed him. He was an officer in the British army and served on the Continent from 1743 to 1747, having command of the army in the Battle of Vall, July 2, 1747. In 1748 he was sent as ambassador to France, in 1751, was made a privy councillor, and in 1752, was appointed one of the lords justices during the absence of the king in Germany.³ As he was appointed in 1737 and served until 1754, he was of course, governor-in-chief of Virginia during the period just mentioned.

1. Spotswood Letters II 306.
2. Jour. Board of Trade XXIV 283.
3. Spotswood Letters II 307.

Dinwiddie in recommending James Abercrombie to the agent of the army, stated in a letter, June 13, 1754, to Albemarle: "I hope I shall meet with your Lord's approbation."¹ During the French and Indian War, Dinwiddie in his correspondence with Albemarle, furnished detailed accounts of the movements of troops, the necessity for inter-colonial cooperation, the need of supplies for the continuance of the war, the attitude of the assembly, and similar matters.² From a letter to him on August 15, 1754, it would seem that he used his influence in having military supplies sent to the colony. Dinwiddie stated that he had applied to the Secretary of State for supplies, and "I humbly pray" said he, "your countenance and intent in procuring them."³

Albemarle was evidently in Paris during most of the year 1754, as Dinwiddie referred to letters received from him under date of March 8th, April 3d and Sept. 16th of that year, and mailed at Paris. His correspondence with Dinwiddie was, thus not interrupted by his being away from London. While in Paris, he was requested by Dinwiddie to render him assistance in the pistole fee controversy, which was then before the king in Council. In a letter of June 13, 1754, in thanking him he said: "I am obliged to your lordship in writing to London in my favor, on that head."⁴

The reinstating of Peyton Randolph, as attorney-general, who had been removed by Dinwiddie on account of the conspicuous part which he took in that controversy, took place by the order of Albemarle.

1. Dinwiddie Papers, I 210.
2. Ibid.: 247, 333.
3. Ibid.: 382.
4. Dinwiddie Papers I 200.

...in the ... of "Your ..."
... in ... of Mr. Randolph's ...
... had a proper influence on me, and according to your desire, ...
... by no means withstand, I have replaced him in his office."¹

The office of governor-in-chief upon the death of the Earl of Albemarle, in December, 1754, remained vacant until about May 1756, when the Earl of Loudoun was appointed.² He came to America as commander-in-chief of the British troops, and also as governor-in-chief of Virginia. He arrived in America in July 1756, but did not visit

Virginia. Dinwiddie's correspondence with him was devoted to military affairs, and did not indicate any desire on the part of Loudoun to direct the administrative affairs of the colony.³

It is quite reasonable to suppose that had he wished to do this, he would have availed himself of the opportunity offered by the conference of the governors of the Southern colonies which he held at Philadelphia in 1757, in regard to the war. Dinwiddie attended this conference and would no doubt have referred in his correspondence to any special directions given him in regard to the administration of the colony. It was on this occasion that Dinwiddie requested of him, permission to return to England for his health, but was refused on account of the lack of authority. Dinwiddie, then communicated with the agent of Virginia and one of the Secretaries of State in order to obtain the king's permission.⁴

1. Dinwiddie Papers I 497.
2. Ibid. II-3, 415.
3. Dinwiddie Papers II, 445, 491, 535, 558, 618, 628, 664, 666.
4. Dinwiddie Papers II, 601, 606.

It is always necessary, especially since Culpeper's administration (1682) for the governor to secure leave of the king to be absent from the colony, as the governor-in-chief could not grant permission for this purpose.

The Earl of Loudoun was succeeded in 1763, by Sir Jeffrey Amherst who was also commander-in-chief of the British troops in America and governor-in-chief of Virginia. He likewise did not visit the colony. The line of titular governors-in-chief ended with Amherst.

It seems that Loudoun and Amherst did not concern themselves with the affairs of the colony, as much as did Orkney and Albemarle. This no doubt, had much to do with the general satisfaction occasioned in the colony when Botetourt, arrived with the assurance from the king that for the future the governor would reside in Virginia.

The governor¹ was commissioned under the great seal of Great Britain and was responsible to the king.² The commission issued to him did not specify any term of service, but stated that the tenure was during the king's pleasure. Culpeper's appointment, was, however, for life but owing to his leaving the colony without permission, and also accepting presents from the Assembly, he was removed in 1686, after having served eight years, only three of which were actually spent in the colony.

1. The term "governor" will be used to designate the one who actually administered the affairs of the colony. It must be remembered, however, that from 1704 to 1768, he was the deputy of the governor-in-chief.
2. All the executive offices of the colony became elective under the Protectorate, and as Cromwell did not make any appointments for Virginia, the governor did not act under commission from him but was elected by the House of Burgesses. No doubt, Cromwell fully intended to issue a commission for the governor of Virginia. In 1653, and 1654 he proposed the matter with his Council.

...sure, and not for life.

The instructions were explicit directions in regard to the exercise of the grant of power contained in the commission.

The instructions which were sent to the governor in addition to his commission, were considered as coming direct from the king. In some cases they actually did so come and the document bore the sign manual of the king. In other cases, the instructions were signed by the principal secretary of State by order of the king, while still other instructions were drafted by the Lords Justices and the Lords of the Privy Council.¹

The commission was however always issued under the great seal. The actual preparation of the instructions after 1696 was entrusted very largely to the Board of Trade, who, however, consulted quite frequently, the Lords of the Treasury, the Lords of the Admiralty, and the Commissioners of Customs, when matters bearing upon their respective offices were under consideration. But even during the period 1624-1660, when committees and commissions exercised a certain administrative power over the Colony, the instructions nevertheless were sent as usual, (except during Commonwealth) by the king by the Privy Council or by one of the Secretaries of State.²

1. Colonial Office Papers - British Transcripts MSS. Div. Lib. of Cong. Acts of Privy Council. (Col.) 1613-1680} # 211 #1250
McDonald Papers-VI 235; VII 19; Peck. Origins of British Colonial System; 311.
Mass. Hist. Soc. Coll 4th ser. X 630. Va. Mag. Hist. Biogr. II, 281, 282, 111, 15; IV 48.
2. Jour. Board of Trade XLVII 182.
F. H. Va. Council 1632, 1633. Peck-Origins of British Colonial System. Col. St. P. Col. (1637-1642) #767. Spence 118.

The growth of the colony and the perplexing problems of government are indicated by the full and minute instructions, which were given to each governor as he entered upon his office, and the additional instructions which were, from time to time, sent to him. The increase in the length of the formal instructions furnished at the beginning of the governor's term of service, was very marked, especially after 1682. The instructions previous to that date, were usually contained in from ten to twenty-five brief paragraphs, while in the instructions given to Culpeper in that year there were seventy-five paragraphs, and in those to Howard in 1683, there were seventy-nine paragraphs. By 1705 the increase is shown in the instructions to Nott which comprised one hundred and fifty paragraphs. While those sent to Dunmore in 1771 contained only one hundred and eighteen, these paragraphs were, however, very long.¹

A careful comparison of all the instructions to the governors from Culpeper (1682) to Dunmore (1771) shows that during this period the policy of the British Government in regard to the colony was practically uniform. For clauses in these instructions commanding similar action especially after Howard (1683), not only follow one another quite regularly, but in many cases the identical phraseology is used. There are, of course, here and there special directions regarding matters peculiar to certain administrations, but these were usually given in "additional" instructions.

1. Colonial Office -Class 5: #1361. Brit. Transcripts MS. Div. Lib. of Cong. Acts of Privy Council Col. (1613-1680) #211 #1250.
McDonald Papers: VI: 235; VII: 19.
Va. Mag. Hist. & Biogr. II: 281; III: 15; IV: 49.
Mass. Hist. Soc. Coll. 4th ser. X.

Since so much stress was laid, by the home government, on the exact conformity to these instructions by the governor, it would certainly seem that any marked changes in the policy of the home government regarding the colony would be indicated in them. The changes that do occur seem not to be, in fact, indicative of the policy of the British government, except as an attempt to more effectively apply an already well established policy. There are, however, and there in the later instructions, it is true, signs of a great determination on the part of the home government to force the colonies to submit to this policy, since the effort to accomplish this goal by the royal governors had, to some extent, failed.

Matters affecting every phase of the government and the life of the colony were included in the instructions, but those given the most prominence may be summed up as follows: (1) the Council; its functions, and its relation especially to the Governor; (2) the Assembly; royal supervision of legislation, the use of the royal prerogative being emphasized, the recommendation of new laws by the Council; (3) Revenues; the royal revenues had to be conserved, regard to the laws or conditions of the colony; the Governor had to improve them, and also to give special attention to the Council; (4) Trade; royal monopoly of commerce with the colony; the Council had to regulate the trade.

... by the governor to trade in ...
... the colony, and requested advice as to ...
... The fact that the instructions were, in all es-
... after 1693 and certainly after 1705, indicat-
... the requests of the governor for directions in matters pertain-
... to his own administration, were not answered through formal in-
... but by means of the usual correspondence through the Board of ...
... The formal instructions were intended to ascertain the definite, firm
... of the home government upon all questions relating to the colony.
... were, as has been mentioned, specific directions regarding
... would seem matters of minor importance and what the governor would
... expected to do from the very nature of his office. Such, for example,
... the erection of fortifications, promoting free trade with the
... Indians, punishing drunkenness and all vice, erection of public
... houses for employing the poor, building of towns, regulating all
... colonies, the treatment of Catholics, the exemption of planters from
... unnecessary demands in regard to military duty, and to see that a bill
... of all marriages was posted in the churches. The variety of matters
... treated in these minute instructions indicate how completely the
... home government wished to control the actions of the governor, and
... dictate the system of administration in the colony.

We shall notice later, to what extent the instructions were
... by executed, in order to ascertain whether the governor of
... able to enforce every article of the instructions
... as in the colonies.

... and the Board of Trade, and in writing to the
governor, furnished every six months a full account of the affairs of the
colony to the Board of Trade, to the Lords of the Treasury and to
the Commissioners of Customs.¹

The account of the receipts and disbursements of the revenues
was sent every six months to the Auditor-general of the Colonies,
and duplicates also furnished to the other officials just mentioned.
Every three months or oftener, he sent to the Lords of the Treasury
and the Commissioners of Customs, a list of all ships trading in
the colony, also a list of bonds taken of masters of ships and the
invoices of the lading of ships.³

All reports and accounts were forwarded by the governor, to the
home government through the Board of Trade. The naval officers' and
collector's accounts, the quit rents and other revenues, the treas-
urer's account, the list of ships, journals of the Council and the
magistrates, addresses of the governor to the General Assembly, pro-
clamations, treaties with Indians, tables of all fees and, in fact,
the reports of every detail of the government were regularly sent
to the Board of Trade.⁴

1. Jour. Board of Trade IV 204.
Cal. St.P.Treas. (1731-1734) 403, 454.
Jour. Va.Council 1898, 139.
McDonald Papers-V, 100
Dinwiddie Papers-I 322, 339; II 50, 478, 524.
2. Sainsbury (1706-1714) 420.
Jour. Board of Trade LIII-40, 42, 125.
3. Mass.Hist.Soc.Coll 4th ser. X 675. (Dunmore's Instructions)
Colonial Office Papers- British Transcripts 18, Div.Lib.of Cong.
4. Jour. Board of Trade. XII 202; XV 216; XXII 122; XXXVI 157;
XXXVIII-304; LX 323; LXI 123; LXII 1-43;
LXX-14-15; LXXI 1-11; LXXII 41-43;
LXXIII 321-323.

... with the governor, and so that he might not be given the power, it was explicitly stated in his instructions that he should not leave the colony, under any circumstances, not even for a few weeks, without first obtaining permission from the home government.¹ Culpeper, for disobeying this royal injunction, and returning to England and also for accepting gifts from the Assembly, was removed from office. Howard, who succeeded him, did not permit to go to New York on account of his health until leave to do so had been granted.² A little later, however, he and the succeeding governors were permitted by their instructions to go to New York or to other American colonies, for their health for a period of three months, without waiting to hear from the home government, but could not return to England without first getting permission.³

The salary received by the governor varied considerably during the colonial period. From 1684 to 1688, his support was entirely derived from the labor of the servants attached to the land which was set apart for his use, and also a few fines and forfeitures, the revenue from land grants, and the privilege of exporting a specified quantity of tobacco free of duty.

In 1688, Harvey was granted by order of the Privy Council out of the surplus from the customs and other royal duties from Virginia, £500 for his transportation to the colony, and £1000 for his annual salary.⁴

1. Col. St. P. Col. (1685-1688) #1684 #1702 (1693-1696) #150 (1697-1698) Jour. Board of Trade: XI: 80; LXV: 197; LXXIII: 318.

2. Col. St. P. Col. (1688-1689) #1823.

3. Jour. Board of Trade: VI: 143; Acts of Privy Council (Col.) 1688-1689; Sumner's Instructions (Mass. Hist. Soc. Coll. 4th ser. V: 668).

4. Acts of Privy Council (Col.) I: #210.

... to England.¹ ...
... in England this salary was neglected, and the Assembly
... provided for the support of the governor by a public tax
... provisions rather than money or tobacco. This first act showing
... that the colony paid the governor's salary was passed (Mar. 1641-2)
... with great hesitation, and with the assertion that it was not to
... be a precedent, but was enacted because conditions in England
... (the civil war between Charles I and Parliament) deprived the go-
... vernor of the "pension and allowance from his Majesty".² But the
... salary of the governor was never again to be paid out of the British
... treasury. The method of providing his salary by public tax was
... continued during the period of the Commonwealth, and was fixed at
... 25000 pounds of tobacco a year.³ In 1660 this salary was £700
... and was paid out of the duty of two shillings per hogshead on ex-
... ported tobacco.⁴ In 1661 the Privy Council granted Berkeley, as
... a gift for his loyalty to the crown, £2000 sterling from the cus-
... toms duty on tobacco from Virginia paid at English ports.⁵
In 1662 the Council of Trade and Plantations granted him an annual
salary of £1000, to be paid as a public tax by the colonists.
Berkeley was voted an additional £200 a year by the Assembly as
an expression of their appreciation of his services,⁶ and also
had about £500 in perquisites.⁷

1. Harvey complained in 1636, that his salary was four years in arrear,
thus indicating that it was not punctually paid. Col. St. P. Coll.
(1574-1660) 102.
2. Hening I-280;
Va. Mag. Hist. & Biogr. III 102.
3. Hening I-403.
4. Hening II 12.
5. Col. St. P. Trans. Books I (1661-1667) 201, 202.
6. This was not intended to be continued to his successor.
7. Hening II 214.
Reverley 164-165.
Part coll. ...

The salary of the governor of Virginia, from 1683 to 1704, was £1200 a year, and half the perquisites, (later, all the perquisites), the king disposing of the other half.³ During the residence of the governor in the colony, the lieutenant-governor received only £300 a year out of the royal quit rents.⁴ After 1704, the governor-in-chief (on his excursions only), remained in England, on a salary of £1200, while the lieutenant-governor in the colony received £600.

The lieutenant-governor after 1683, during the absence of the governor, received a salary at the rate of £1200 a year, and half the perquisites, (later, all the perquisites), the king disposing of the other half.³ During the residence of the governor in the colony, the lieutenant-governor received only £300 a year out of the royal quit rents.⁴ After 1704, the governor-in-chief (on his excursions only), remained in England, on a salary of £1200, while the lieutenant-governor in the colony received £600.

1. Hartwell, Blair & Chilton 31.

2. Cal. St. P. Treas. Books & Papers 1735-1738, 536.
Jour. Va. Council 1721-1734, 349.
Dinwiddie Papers I 390.
McDonald Papers VI 225.

3. Flathwayt's Journ. I 378, 382.
McDonald Papers VI 79, 225. Sainsbury 1625-1715, 38.

4. Jour. Va. Council (1690-1703) 47
Sainsbury (1640-1691) 280
Cal. St. P. Col. (1689-1692) #2098.

In 1763, when the total salary was £3000 including perquisites, a lieutenant-governor received half of that amount.⁴ The perquisites of the governorship accounted for this increase, for in 1763, before the Revolution, Dunmore received the regular salary of £2000, while the total income was about £4000.⁵

1. King's Warrant Book XXVII, 488 - Cal. St. P. Treas. Books 4 Payroll, 1735-1739, 534.
2. Greene, Provincial Governor, 60.
3. Dinwiddie Papers-IL-574. Although the instructions from Howard, 1771, to Dunmore (1771) specified that the lieutenant-governor should receive half the salary of the governor, should receive half the salary and perquisites, still it seems that it was largely a matter of agreement until about 1760.
4. Resolutions to Board of Trade 1763, Brit. Mus. King's MSS. #205 519.
5. Brit. Mus. Addit. MSS. #9130, 10.

... the ... of the ...
... the ... of the colonists, ordered Howard to ...
... fee of 200 rounds of tobacco charged for affixing the seal ...
... The attempt of Winwiddie, notwithstanding this ...
... charge an additional fee for affixing the seal of the colony ...
... proved unsuccessful.

The governor's clerk near the end of the colonial period,
... certain fees for the commissions which he was authorized
by the governor to issue. These were, however, considered the fee
of the governor, and were objected to by the House of Burgesses.
... Dunmore became governor. They had not been established by ...
... notwithstanding his request that they should be continued, the
burgesses nullified them. Dunmore stated that these fees had
"... " fees paid to the clerks of his predecessors." In the
... passed by the burgesses, it was, however, declared that
these fees were "unknown" to the law, and that they were the first
the "first time, regularly, informed" of them.³

T. Acts of Privy Seal. 11 (Col) 11, 1320.

... House of Burgesses 1772-1773, 1773, 1773.

- Commissioners: County lieutenant B3; Colonel B1.1s.6d.; Major B1.1s.6d.; Captain B1.1s.6d.; Lieutenant B1.1s.6d.; Quartermaster B1.1s.6d.; Clerk B1.1s.6d.; of stores B1.1s.6d.; of officers B1.1s.6d.; presentation to ...

Jour. ...

... of the ...
... to ...
... of ...
... the ...
... at the ...
... in the colony, was ...

... desired to favor was
... He, without waiting for permission from the ...
... accepted the gift of £800. This act, together with ...
... colony without permission was considered just reason for ...

The third governor on whom the Assembly bestowed a present
was Nicholson. He did not, however, deign to receive the gift
of £600 until leave had been granted to do so.²

When Geoch became governor (1727) the Council voted him ...
... and the burgesses £600 in Virginia currency. As the
Board of Trade knew of his having accepted these gifts, he was
... for acting contrary to his instructions.

... the other governors of the colony had
... received such presents of their appointments ...
... of the ...
... these governors ...
... gifts ...
... the ...

... gifts upon the governor. It is of interest to know that the
... five could have been or favored. If the ...
... Assembly to thus attempt to induce the governor to surrender
... of his power, the plan certainly failed, for four of the five
... very dictatorial and the fifth who received the largest gift
... harmoniously with the Assembly, yet did not seem to consider it
... any essential matters his executive power. We are led to conclude
... that the Assembly was really sincere and that the presents were
... expressions of a desire to show a friendly spirit to bring the
... governor as soon as he entered the colony. For if the Assembly
... had sought to deprive the governor of a part of his power, it
... quite reasonable to think that the period of Coock's administration
... effected a good opportunity for the accomplishment of the purpose.
... When the bugbear, refusing to submit to the imposition of the
... pistol fee on land grants, placed by Dinwiddie, sent an address
... him, showing him the injustice of the demand, no reference was made
... to the gift of £500 which he had received from the Assembly about
... a year and a half previous to that time. They simply admitted
... that the pistol fee was an infringement upon their rights as
... Englishmen, and did not attempt to use the fact of his having
... accepted the present, in their effort to prevent his doing what he
... proved he had no right to do.¹ The Assembly did express
... ... from 1763 to 1766, but as has been
... ... the gifts bestowed upon him by the governor ...
... ...

¹ ...

...¹

The Council, originally a little bit of representation of the people to the Council, and when that body was composed of influential persons, held a large part of the executive power, the orders and laws were sometimes dictated by them.²

The Council seems to have been considered by the people of the colony, as sharing with the governor, the appointive power, indicated by the petitions addressed to the "Governor and the Council," for license to practice law, for no one could act as a lawyer-at-law until he had obtained the governor's approval.³

That the governor was, in some cases, controlled in making recommendations and appointments by family influence and political cliques, which resulted therefrom, is quite evident.⁴ Any real controversy between the governor and the Council, as to the power over appointments was usually referred to the Board of Trade for settlement.⁵

The governor did not have absolute power in regard to removing the officers of the colony, for not only in the case of the suspension of a councillor, or other royal appointees, but also in removing a judge, a sheriff, a justice, "or other officer

1. *Journal of the Council*, (1705-1708) 128.
 2. *Howard's Instructions*-(McDonald Papers VI 291)
Jerney's, Albemarle's & Botetourt's Instructions-(British Archives, 13. Div. 11, 12)
Dunmore's Instructions-(Mass. Hist. Soc. Coll. 4th ser. X 433.)
 3. *Journal of the Council*, (1705-1708) 128.
Bainbridge, (1705-1708) 46.
McDonald Papers VI 124-125.
 4. *Journal of the Council*, (1705-1708) 128.
McDonald Papers VI 124-125.
 5. *Journal of the Council*, (1705-1708) 128.
McDonald Papers VI 124-125.

... "it was one of the old" in the
 ... "the necessity provision" ...
 ... to appoint ministers but in practice this
 ... really done by the regents, ... their influence,
 ... the governor did not wish to dispute this ...
 ... ministers or vestries ... made to the ...
 ... constituted a kind of ecclesiastical court.⁴

"Willow and Mary College ... to some extent,
 ... and the governor was expected to ...
 ... He was also to see that the royal ...
 ... executed, ...
 ... of teaching in ...
 ... Lord Bishop of London, ...
 ... without licence ...
 ... governor.⁵

4. Macdonald Papers V 367; VI 100.
 5. ...
 ... (1697-1707) ...
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1. ² ~~Shirwood~~-Justice in Colonial Va. 116-119.

Inter-Institutional Hist. of ...

THE UNIVERSITY OF CHICAGO

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1990-1991

"...that I am, still, still."

... ..

• Prüfung 1. April 2014, 14:00 Uhr

In 1791, the Virginia General Assembly passed an act to provide for the relief of the poor in the colony. This act was passed by a vote of 10 to 4. The act provided for the appointment of a committee to inquire into the state of the poor in the colony. The committee was to report to the next session of the assembly. The act also provided for the appointment of a committee to inquire into the state of the poor in the colony. The committee was to report to the next session of the assembly. The act also provided for the appointment of a committee to inquire into the state of the poor in the colony. The committee was to report to the next session of the assembly.

All petitions to the crown, and all appeals from the lower courts were to be forwarded to the crown. In 1791, the Virginia General Assembly passed an act to provide for the relief of the poor in the colony. This act was passed by a vote of 10 to 4. The act provided for the appointment of a committee to inquire into the state of the poor in the colony. The committee was to report to the next session of the assembly. The act also provided for the appointment of a committee to inquire into the state of the poor in the colony. The committee was to report to the next session of the assembly.

In the performance of the non-administrative duties of the colony, the governor was to be assisted by a council of the colony. The council was to be composed of the members of the assembly. The council was to be appointed by the governor. The council was to be composed of the members of the assembly. The council was to be appointed by the governor.

Under the terms of the act, the governor was to be assisted by a council of the colony. The council was to be composed of the members of the assembly. The council was to be appointed by the governor. The council was to be composed of the members of the assembly. The council was to be appointed by the governor.

The administrative duties of the governor were to be performed by the council. The council was to be composed of the members of the assembly. The council was to be appointed by the governor. The council was to be composed of the members of the assembly. The council was to be appointed by the governor.

The council was to be composed of the members of the assembly. The council was to be appointed by the governor. The council was to be composed of the members of the assembly. The council was to be appointed by the governor.

... place ...
...
... himself ...
...
...
... (1641) when Berkeley was appointed ...
... the instructions to him, formally recognized the Assembly.
... the Assembly once a year, or oftener, if ...
...³ It seems that for some years prior
... and the time of his assumption of the duties,
... was customary for the Assembly to convene annually. During the
Cromwellian period it met every two years or oftener, if necessary.
The power of the legislature was supreme during the Protectorate.
After the Restoration (1660), Berkeley was instructed to call the
Assembly within one month after assuming the duties of his office.
He really secured control of the Assembly by proroguing it from
session to session and for several years the former power of the
... was greatly reduced by the dictatorial measures of the ...

1. Menzies I 129, 134.
2. Col. Hist. P. Col. (1634-1660) 86-90.

3. Menzies I 171, 191.

4. Walpole, Hist. & Biogr. II 281.

5. Walpole, Hist. & Biogr. III 15.

...clear, that as chief executive of the colony
was to exercise general supervision of it,

The instructions from Nicholson (1702) to Dunmore (1771) ...
...relating to the Assembly and the legislation of the
colony, upon which the home government had a definite policy.
The governor was to suggest certain laws from time to time and
endeavor to have the grievances of the people settled through the
legislature. But most of all, it was his prime duty to preserve
the royal prerogative in the colony, and to withstand any attempt
on the part of the popular branch of the Assembly, to encroach
on the authority of the crown. He had the power to call, to adjourn
and to dissolve the legislature, and as the president of the
council to sit in the upper house. No act of Assembly was effective with-
out his signature, and his veto was final, as the legislature could
pass no measure over his objection. He was to see that no law
of unusual or extraordinary nature was passed without a special
clause, rendering it inoperative until the King's pleasure were
known. He was, in fact, to send to England within three months
of enactment, all laws, in order that they might be either approved
or disallowed. A year's salary would be forfeited should he fail to
comply with this instruction.

It will be seen in a later chapter, to what extent these
theoretical powers, of the governor, were rendered effective.

On King, according to Phillips, was a high regard for the
rights of the colonists, and a strong feeling of sympathy for
the oppressed.

The actual... of...
...to the courts, and the judges of these courts were...
...the king's pleasure, but during good...
A survival of the old theory is to be found in the commission to
the royal governor, who was empowered to establish courts, and to
appoint judicial officers. In the instructions, however,
...in erecting or discontinuing a court he was to...
...upon royal order. The governor's criminal jurisdiction...
for the most part to have passed away in the other colonies, but
in Virginia, the governor and Council under the name of the Gen-
eral Court, continued to be the highest court in all cases, criminal
as well as civil.¹

Commenting upon the judicial power of the governor and Council,
...authority states, that "as lord chief-justice of the king's
bench and common pleas, and lord chief baron of the exchequer, the
governor sits and presides in a court, which is all these, and
he disposes of men's lives, liberties and properties."²

As the chief-justice of this court, he cast the deciding
vote in case of a tie. He could perform certain judicial functions
out of court, such as remitting fines and forfeitures, and granting
pardons for all offenses, except wilful murder and treason.

The governor was the commander-in-chief of the military
forces of the colony, and appointed and removed all the officers
of the militia, except certain inferior officers, who were
...by the colonels.³

1. Manning II-538; III 297, 303.

2. Manning II-538; III 297, 303.
3. Manning II-538; III 297, 303.

The Governor's power was not limited to the colony, but extended to the Indians of the country. He was authorized to declare war, except against the Indians, in any case, and then the home government, was to be immediately notified.

The Governor explicitly stated that he was not to declare war, except against the Indians, in any case, and then the home government, was to be immediately notified.

The British troops sent to the colony were not only subject to the orders of the governor, but in some cases he also commissioned the officers. Black commissions were sent to Good, at the time of the expedition to Cartagena, and to Dinwiddie at the time of the French and Indian War, and these commissions appointed regular British troops to a regiment composed of the regulars and the militia.

The Governor held a commission under the seal of the High Admiralty of Great Britain, and signed by the Lords of the Admiralty, Vice-Admiral of Virginia.⁴ His power over admiralty affairs, and at the time, beyond Virginia. In 1698, it extended to Carolina and the Palmetto Islands, and later, Pennsylvania and Jamaica were included. He received from time to time, specific instructions as to the conduct of certain admiralty matters, from the Lords of the Admiralty.

1. Col. Va. P. Treas. (1700-1714) 417.
 Journ. Va. Council (1710-1734) 457.
2. Instructions to the governors from Newcastle (1698)
 to Dinwiddie (1771).
3. Dinwiddie Papers I 355; II 234.
4. Gainsbury (1700-1707) 519.
 Journ. Va. Council (1698-1707) 30, 201; (1708-1734) 2.
5. Journ. Va. Council (1708-1734) 30.
 Special Letters II 101.
6. Journ. Va. Council (1734-1736) 11; (1736-1738) 1.

...the governor had authority over any ship of war, equipped and sent out of the colony, and issued the commission and instructions to the captain.⁴ His authority extended of course over ships sent for the use of the government. He also exercised a certain amount of power over British merchant-ships, and exclusive power over Virginia coast-wise vessels, which confined themselves to the trade of this and the adjacent colonies.⁵

The granting of letters of marque and reprisal by the governor was a special order of the governor, who was, however, to exercise this power very carefully, and only upon authority from the home government.⁶

The granting of letters of marque and reprisal by the governor was a special order of the governor, who was, however, to exercise this power very carefully, and only upon authority from the home government.⁷

1. House of Privy Council (Col.) #423, 11.
2. House of Privy Council (Col.) #423, 11; XVII 3, 56.
3. House of Privy Council (Col.) #423, 11.
4. House of Privy Council (Col.) #423, 11.
5. House of Privy Council (Col.) #423, 11.
6. House of Privy Council (Col.) #423, 11.
7. House of Privy Council (Col.) #423, 11.

... a ...
...
...
... the finances of the colony. He was ...
... the careful supervision, which he was expected ...
... over the royal revenues. The financial returns from ...
... and especially from Virginia, were a matter of great ...
... to the home government, and the governor was, therefore, ...
... with the important service which he was to perform in the ...
... All the royal revenue officials were under his ...
... in their reports to the home government through him. The ...
... as to how to prevent frauds in the revenue, ...
... of solicitor, and it was not infrequently referred to in ...
... and in the correspondence with the government. And ...
... of course, laid upon trade, and so was specifically ...
... as to the valuable service which he could and ...
... providing in every way possible, the interests of the English ...
... clients. The financial powers of the governor, as has ...
... included the general inspection of all salaries even ...
... members of the House of Burgesses. But his power to ...
... for the use of public zone; and, of course, ...
... and ...

The diplomatic and intercolonial powers of the governor ...
... more frequently after 1680 than formerly. For ...
... of this nature, it is ascertained that the ...
... ..

excellence in which he offered prizes, by permitting the common people many indulgences to win popularity. His strong endorsement of the project to erect a college, no doubt, appealed to the more cultured and aristocratic colonists. The General Assembly, in 1691 presented him with £300 as a token of their esteem, and the following year another gift of £200, but the latter was not actually bestowed as he soon left the colony.

In 1693, he became governor of Maryland and was succeeded by Andros, whose administration was characterized by prosperity, but owing to his determination to exercise his power over church affairs, the opposition to him through the influence of Commissary Blair, was sufficient to cause his removal.

In 1698, Nicholson again assumed the duties of the governorship and this time with the full powers of governor. He immediately endeavored to form a confederacy of all the colonies, with himself as the head. This audacious scheme of course failed and its result tended to make him more overbearing in his relation to the colony. His attitude was just the opposite to what it was during his first administration, and he sought to misrepresent conditions in his correspondence with the Board of Trade.

Disappointment in a love affair with a young lady of a very influential family, led him to say and do many rather extraordinary things which occasioned the questioning of his sanity. Commissary Blair was among those who were the special marks of his vengeance. Under such circumstances it was not strange that a controversy with the clergy, assumed so serious a character that his recall was deemed advisable.

 

W

 

It entered service in June 1710, to serve

 

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...in general, it is...
...to his instructions, but the conditions...
...determining his actions. The appreciation...
...service was expressed in the address of the... House of
...the time when he returned, in 1866, to...
... "He put aside his business altogether, with a single
... for dear Majesty's person and family to encourage peace
... our Majesty's government, without any sinister view
... of self-interest." The address concluded with an expression of
... his health he might be returned to the colony.

We are thus led to believe that Drysdale was not inactive
... lacking in force of character and administrative energy,
... that historians have described him to be. He was, of course, not
... progressive an executive as his predecessor, and in fact, during
... as he did, he great special work for the colony. His work,
... however, an administration of peace, general...
... constructive work. Because he had no conflict with the...
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1841. In the same year, he was appointed in 1841, as Governor of the colony, and he was the first Governor of the colony. He was a well established custom, that the Governor should receive large presents, and especially from the Assembly, without the approval of the home government. The Board of Trade and the Admiralty were strongly opposed to allowing him to retain these presents, but finally consented. The main reason for the objection of the British government to the Governor's receiving presents from the Assembly was that he would thereby become dependent upon that body. Why this very striking case should have been made an exception was perhaps due to the prosperity of the colony, and the desire of the home government to encourage this expression of a friendly spirit of the colony towards a royal governor, without doubt, and to it that the British government through the revenue and the merchants through trade, would benefit by that prosperity, which might be retarded by a too rigid adherence to the principle in question.

Campbell, evidently places at this time, a rather low estimate on the character and ability of Lord, when he says that the Governor was a "man of no great abilities." The Governor, however, resigned in 1841, and was succeeded by Sir George Murray.

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The first of these is the fact that the
  

C H A P T E R I I I .

of the colony, provision had already been made for the administration of the government: for on April 10, 1607, the first charter of the Virginia colony, letters patent now preserved in the archives of the Virginia Company, letters patent now preserved in the archives of the Virginia Company, and the government of the colony was to be administered by a resident Council of thirteen members. The Council in England, to which the supervision of the colony had been entrusted, however specified only seven to constitute the first Council of Virginia.¹ The power of the Council of the colony was almost absolute. The arbitrary power of this body is shown by the fact that it was authorized to appoint and removal of its own members, and the election and appointment of the Council were powers which it enjoyed.

The system by which all the functions of government were vested in the Council lasted only two years, for the second charter of the Virginia Company in 1609 provided that the colony was to be governed by a governor who was given almost absolute authority. The power of the governor over the Council was such that he could remove it at will, and the Council was reduced to a mere advisory committee.²

In 1619 there was an attempt made to separate the functions

¹ *Virginia: Genesis of the United States*, p. 10, 11.

² *Virginia: Genesis of the United States*, p. 10, 11.

³ *Virginia: Genesis of the United States*, p. 10, 11.

⁴ *Virginia: Genesis of the United States*, p. 10, 11.

covered by the Council, and the people of the colony. The Council continued to exercise judicial functions. This body, sitting with the governor, as a court of justice, discharged their judicial duties, and agreed on their legislative measures while sitting as a Council of State.¹

On July 3, 1684, royal government was established in the colony, but Virginia passed through the transition from proprietary government without any violent change.² The councillors were, after 1684 appointed by the king. The commissions issued to the governors for the next twenty-five years show the gradual increasing power of the Council as authority was vested in the Governor and Council jointly.³ The power of the Council prior to 1660, was on the ascendant, but with the return of Berkley as governor, this growing influence was retarded.⁴ After Berkley,oyer, and Howard the Council gradually resumed its place in the administration of affairs. The constitution of the Council, the place of the governor, and the exercise of its functions have been studied in order to understand the frequent conflicts between

1. Henning I. 114-118

Chittwood: Justice in Colonial Va. 233.

² Osgood: American Colonies in 17th Cent. III. 79

3. Henning. Hist. & Biogr. II. 51, 281, 396; VIII. 139, 206; IX. Osgood: American Colonies in 17th Cent. III. 86

4. Henning. Hist. & Biogr. II. 281; XI. 55, 57

... did not reside at the ...
 The members of the Council of Virginia served at the ...
 ... congregation.² They were by 1693, however, paid ...
 ... by 1693 was 20000 pounds. By 1693 they were granted ...
 ... of £ 50 out of the two shillings per hoghead duty, ...
 ... gradually increased to £ 350 by 1697, and to £ 400 ...
 1710, and further increased to £ 1200 under Dinwiddie and the ...
 ... governors.³ This salary was divided among them according to ...
 ... attendance on the General Assembly and as judges of ...
 ... Federal Court, as well as their services as an advisory council ...
 ...⁴ Those who attended the courts of oyer and terminer ...
 ... their proportion of £ 100 (afterwards increased to £ 120; ...
 ... for each court.⁵ The salary of the councilors was ...
 ... of two shillings per hoghead duty on exported ...
 ... upon a warrant on the receiver-general, signed by the governor ...
 ... increase in salary was only allowed upon authority from the ...

1. Jour. House of Burgesses 1773-1776, Introduction, 10.

2. Va. Mag. Hist. & Biogr. III, 116. Chitwood-Justice in Colonial ...
 They were not as a rule allowed a salary in the other colonies ...
 ... -Green-Proprietary Government, Va.

3. Dinwiddie's Papers I, 353, 390

Hilling I, 483; II, 389, 392.

Brit. Mus. King's MSS. #205, 249

4. Hist. Coll. Blair & Chilton, 74

5. Va. Mag. Hist. & Biogr. II, 117, 118

... (1701-1702) 48; (1702-1703) 49

Dinwiddie Papers I, 353, 390

the salary, and the writants received the salary only for the councillors' salaries, were subject to approval of the Treasury, but it was not necessary to pay the Treasury twice a year in order to pay them.

The members of the Council were usually men of wealth, and it was difficult for one who was not wealthy or related to a wealthy family to be appointed to the Council.² The influential families controlled the Council, and thus to a large extent the government of the colony, frequently intermarried and so perpetuated influence and power.³ In 1710, there were as many as six families serving as councillors.⁴ The three Byrds (William I, II, III) served in the Council and in other important offices during the period (1670-1776). William Byrd II was for thirty-seven years a councillor and also filled the offices of receiver-general, and for a while was president of the Council.⁵ That several of the families

1. Jour. Board of Trade XVI, 146. - The clerk of the Council (appointed by the governor) in its legislative capacity, received 1000 lbs. of tobacco each session, and as clerk of the Council in executive session 150, later 150 a year out of the two shilling a year head duty, also perquisites, which in 1713 were 1000 lbs. a year.

2. Va. Mag. Hist. & Biogr. X 106. Col. St. P. 363. (1681-1713).

3. For example: The Beckley, Bassett, Ludwell, Byrd, Blair, Bland, Burwell, Harrison, Carter, Lee, Digges, and Ashby families.

4. Winsbury (1711-1713).

5. For example: Winsbury (1711-1713).

6. For example: Winsbury (1711-1713).

7. Winsbury (1711-1713).

... by the clerk of the House of Burgesses, he would, with the
colonists, to examine them." But when Howard became governor in
1688, it was specified that he should not communicate them to any-
one, except when he should think it necessary to disclose some
item to the Council. So dictatorial a governor was quite willing
to execute this clause of his instructions, and when he was to
visit England he communicated to the Council only those classes of
business which were absolutely essential to the administration of the government.
This continued to be the policy of the home government from Howard
(1688) to Dunmore (1771), and it seems that the governors usually
observed their directions in this respect. A contemporary writer in
1767, stated: "It has been the policy of late governors to keep the
Council and all mankind in the dark as to their instructions, and
to communicate only now and then one, or a piece of one, to the
Council only or the Council, as they found it was to their advantage in
case of difficulty." This perhaps influenced Nicholson in 1733 to
submit his to the General Assembly. This was an exception for
as can be ascertained no other governor after him disclosed his com-
plete instructions to the Council and especially to the burgesses.
There were, however, from time to time certain uses as usual.

- See also lines to the Council.*
1. *Nicholson Papers*, VI, 435
Mass. Hist. Soc. Coll. 4th series X, 332
Colonial Office Papers, Class 5, 1361-
(British Transcripts L.L. Div. of Cong.)

2. *Howard*, *Plain*, 1711, 1712.

3. *Howard*, *Plain*, 1711, 1712. *Howard*, *Plain*, 1711, 1712.

4. *Howard*, *Plain*, 1711, 1712.

In 1734, the Virginia (LXII, 1, 1734), the first of the series of them, the concerning "the honor of King George's by law sufficiently secured", and the other relating to "the estates in England" having estates in Virginia.¹

In 1733, in an address of the Burgesses to the Governor, the complaint of British Merchants concerning the paper money of the colony, reference was made to an "instruction of January 31, 1733", which had been communicated to the Burgesses. The withholding of these royal orders made it quite difficult for the colonists to know whether the governors were acting in conformity to the policy of the home government. The author just quoted adds: "Thus the record of the instructions was lost, for nobody knew anything of the instructions except some few at Whitehall, and there all was safe so long as the Virginians made any complaint."³

It was the established policy of the home government as indicated in the royal instructions to the governors, from 1729 to 1733, and in the colonial period, that the governor should preside over the Council, enjoy freedom of debate and action in all matters of public interest discussed in Council. This right seems to have been granted and never questioned by the governor. Although the Council submitted to the Governor the oath of allegiance and supremacy, he was not the executive officer, and the right to appoint and remove

¹ "The Virginia Gazette," 1734-1735, LXII, 1, 1734, LXII, 1, 1734.

² "The Virginia Gazette," 1734-1735, LXII, 1, 1734.

³ "The Virginia Gazette," 1734-1735, LXII, 1, 1734.

... of the Council had ...
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their office of the district. The colony of 1624, so-called. Whenever the governor was called upon to be in the administration of affairs, and when the governor did or served as chief executive in the absence or on the death of the governor, the colony was usually quiet and prosperous.

From what has been stated in this and the preceding chapters of the relation of the governor and the Council, it will be seen that from 1624 to about 1660, the Council increased its power, but from 1660 to about 1690, the dictatorial governors checked this encroachment upon the functions of the executive. In the eighteenth century, however, that body wielded much power and was able to interfere very seriously with any governor who opposed them. About 1700, the general tendency of the Council was to combine with the Burgesses against an objectionable governor by refusing to make appropriations, and to pass acts for the execution of his policy of administration.¹ It was not strange that the Council should have gradually acquired much power, and that their support was absolutely essential to the success of the governor. They were the most influential men in the colony since they held the most important offices, and occupied on this account as well as their wealth, the highest social position. Whenever the governor died for any reason vacant, the senior councillor always assumed the duties of the office, under the title of President of the Council.

1. The most noticeable example of this was the case of Governor William Blount, who died in 1700, and whose death was followed by a period of anarchy and confusion. The Council and the Burgesses combined to prevent the appointment of a new governor, and the colony was in a state of anarchy for several years.

2. The office of President of the Council was held by the senior councillor, and was a position of great influence and power. The President of the Council was the chief executive officer of the colony, and was responsible for the administration of the government.

...the tendency after 1801 to place the most important positions in the hands of the councillors to the offices of general, and some other less important positions. There was according to a statement of 1801, need of efficient men to fill the several offices. Also the selfish motives of the councillors accounts for many of the most important and lucrative positions by them.

The councillors served as the Upper House of the General Assembly, and as the judges of the General Court. In addition to serving in these positions of trust and responsibility, the sitting in executive session was consulted by the governor in matters which claimed his attention; for example, the issuing of proclamations declaring war, granting land patents, appointing sheriffs, justices, coroners and other officers commissioned by the governor, investigating illegal trading, granting bail to runaway negroes in public jail, regulating all matters concerning Indians, directing where a county courthouse should be erected, considering of a petition for clemency. All official correspondence was laid before the Council, and all accounts of the revenue and warrants drawn upon the receiver-general were examined.

1. *Mem. Hist. & Biogr. Ill.*, III, 374p-XIII, 140, 190, 350

Col. St. P. Col. #128-77 #2374

Manuscript Lett. #1174

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... of the Council ... messenger. ...

both filled by men of high social and political ... duties of the messenger were chiefly those of ... when necessary he took special dispatches for the ... without delay.

The place of meeting of the Council in its threefold ... of some degree of interest. The Assembly ... by 1643, its own statehouse.³ Thus in its legislative ... Council always (from 1612-1643 and later) met ... capital, ... at 1643 met with the burgesses,⁴ but in its ... lines in its judicial ... of the government, the home of some members of the Council, ... and ... This was especially true of the ... century, but with the beginning of the ... the Council met for all purposes at the capital.

The Council as a legislative body was not the result of ... development, but was given this power by the ... in the instructions to Wyatt in 1631. The ...

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... glory. ... 1760, ...
 ... agencies were rendered useless by the delay in their
 sent to England.² After an act of the Assembly had been ...

... by an order in Council, it thus obtained the validity of
 ... Parliament, and could not be repealed by the colonial legisla-
 ... by the crown separately, but only by the joint action of both.
 ... 1764 an instance of this occurred when the King instructed the
 ... to induce the Assembly to modify the law of 1742 in reg-
 ... dollar.³ In addition to the laws, copies of the journals of

... the Council, the General Assembly, and of the House of Burgesses ...
 ... of records for examination by the home government.⁴

... then was the chief end to be conserved by giving the
 ... share in the legislation of the colony? The Council was
 ... totally expected to perform a service quite similar to that of the
 ... House of Lords in the British Parliament. As the upper
 ... the path to prevent the enactment of any measure passed by

1. Two copies of each law were sent; one to the Lord Chancellor ...
 to one of the principal Secretaries of State, and the other to
 the House of Trade, who always passed on a law before the royal
 assent or disallowance was signified by the King in Council.

... Jones - Present State of Va. 464-

4. B. C. British Colonial Policy 1754-1763, 149

... (1640-1681) 166, 167; (1681-1687) 168, 169

... 1681-1687, ...

... Andrews -

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Age Group	Total (%)	Male (%)	Female (%)	Unknown (%)
0-10	100	65	35	0
11-20	100	55	45	0
21-30	100	65	35	0
31-40	100	55	45	0
41-50	100	65	35	0
51-60	100	55	45	0
61-70	100	65	35	0
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The fourth part of the paper is devoted to the study of the properties of the function $k(x)$ defined by the equation $k(x) = \int_0^x k(t) dt$. It is shown that $k(x)$ is a constant function, and its value is determined by the initial condition $k(0) = 1$. The fifth part of the paper is devoted to the study of the properties of the function $l(x)$ defined by the equation $l(x) = \int_0^x l(t) dt$. It is shown that $l(x)$ is a constant function, and its value is determined by the initial condition $l(0) = 1$. The sixth part of the paper is devoted to the study of the properties of the function $m(x)$ defined by the equation $m(x) = \int_0^x m(t) dt$. It is shown that $m(x)$ is a constant function, and its value is determined by the initial condition $m(0) = 1$.

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C H A P T E R I V.

CHAPTER IV.

HOUSE OF BURGESSES.¹

In 1619 the first legislative body to be convened in the colony was assembled. This first effort to establish a government in which the will of the people might be expressed through their representatives was at that early period, but a beginning. When the government of the colony became royal in 1624, the power of the Assembly was temporarily checked. Neither James I nor Charles I was very favorably inclined towards a popular legislature. The governor and the Council under royal instruction, assumed a part of the legislative function. There was apparently no session of the Assembly between 1624 and 1628.² But whether the Assembly did meet and no record exists of the sessions, or the royal will was obeyed explicitly for a time, the fact remains that there was soon a legislature composed, not only of the governor and the Council, but also of a popular branch.

It is of interest to note here to what extent the colonists as a whole participated in legislation, so far as suffrage was concerned. From 1619 to 1670 all freemen were granted the franchise.³ In 1670 as property owners bore the burden of taxation, it was considered advisable to grant to them only the right of suffrage. This restricting of the privilege by a property qualification, was approved by the British Government.⁴

1. An exhaustive treatment of the House of Burgesses is not here attempted but only enough is given to show its place in the royal government of the colony.

2. Hening I 130.

Miller, Legislature in Province of Virginia 33, 34, 36, 37.

3. Hening I 333, 411; II 280.

4. Ibid, II 425.

In a very few years, however, the Assembly deemed it necessary to restore the unqualified suffrage which had prevailed previous to 1670,¹ This act, notwithstanding the royal instructions to the contrary, sent to the governor, remained in force until 1684, when the suffrage was again restricted.² The property qualification seems to have been enforced throughout the remainder of the colonial period. It was not therefore, strange that members of the House of Burgesses were required to be property owners in the counties which they represented.³

Quakers were not, until about the beginning of the eighteenth century, permitted to vote, and it was not until near the close of the colonial period that Catholics were granted the franchise, even if they did own property.⁴ Free negroes, Mulattoes, and Indians were always disfranchised. There were acts passed by the Assembly fixing a fine for neglect on the part of those entitled to suffrage to exercise this right.⁵ This was probably a precautionary measure, but it seems that there was some need for it and that there was to some extent, at least, compulsory voting in the colony.

The Speaker of the House of Burgesses occupied a position of influence and power especially in the eighteenth century, and during the period of the Commonwealth. But in the earlier years of the seventeenth century and for some time after the Restoration, his power was somewhat curtailed.

1. Hening II-356.
2. Ibid. III-172.
3. Hening III-243.
Jour. House of Burgesses 1748-1753-74,
4. Hening I-532; III-172.
Jour. House of Burgesses (1761-1765)-70.
5. Hening I-333; II 82; III 238.

He was, at first, it is thought by some, appointed by the governor.¹ The weight of evidence seems, however, to show that he was always elected by the House, for had the governor been given the appointive power in this case, he would certainly have raised some objection later to surrendering it to the burgesses. The governor was recognized in the choice of the speaker to the extent of approving the selection of the House. The custom was to formally request the governor to permit the House to choose a speaker, and then the House informed the governor of the result of the election and he confirmed the action of that body.² This was a mere formality, as the governor practically never objected to the one chosen by the House. The speaker was not therefore subject to the governor.

The House gradually grew in members and increased in efficiency and organization. All of the officers and committees, necessary to a legislative body were, by the eighteenth century to be found in the House, for example, the clerk, sergeant at arms, door-keeper, chaplain, and the various committees. The clerk was, until 1686, elected by the House, but Robert Beverley, who was then serving was, upon royal order, dismissed by the governor, for discussing the veto power with him and also refusing to surrender the Journal of the House. The clerk was thereafter appointed by the governor, but his salary was throughout the colonial period paid by the House, although Howard, the governor in 1686, wished to have it paid out of the royal revenues.

This was a very clear indication of the purpose of the British Government to keep the House of Burgesses under the supervision of the royal governor, but the effort was ultimately futile.

1. Miller-Legislature in Province of Va. 21, 81.

2. Jour. House of Burgesses 1766-1769, 188.

There were after the above incident, no serious conflicts between the House and the governor in regard to this matter, and no complaint on the part of the House of the unsatisfactory services of the clerk. So far as can be ascertained the appointment of the clerk by the governor, did not prevent that officer from serving the House very acceptably.

A discussion of the adequacy of the House in meeting the needs of the colonists quite naturally includes the question of the frequency of the sessions. From 1619 to 1659, with the possible exception of the few years from 1624 to 1628, the Assembly usually met annually.¹

In 1659 the House passed an act legalizing the biennial session of the Assembly and the act was approved by the king. The Assembly of 1662 was prorogued from session to session for fourteen years, and had it not been for Bacon's Rebellion (1676) it would probably not have been dissolved until Berkeley was recalled.

From 1624 the Assembly had been granted the privilege of meeting annually and in the protest (1642) against the reestablishment of the power of the London Company in the colony, it was stated that the happy condition of Virginia under the direct administration of the crown, was most clearly shown by the "freedom of yearly Assemblies."² The colonists, therefore, felt that the home government was infringing upon their rights, when Culpeper, (1682) and Howard (1683) not only sought to restrict the power of the Assembly in regard to the annual meeting, but also in regard to taxation. In the instructions to Howard it was specified, that he should endeavor to induce the Assembly to agree to the imposition of taxes, in case of emergency by the governor and Council.

1. Va. Mag. Hist. & Biogr. X 263.

Hening I 517, 531; II 424.

2. Ibid. I 230.

The Assembly had from 1624, by several acts, declared the exclusive right of that body to determine taxation.¹ In March 1661, however, an act was passed empowering the governor and Council to lay a public levy annually for three years, beginning September 1662, so as to avoid the expense of calling an Assembly.² This was an exception and was, no doubt, found to be an unwise policy, as it was not repeated. Culpeper and Howard, both attempted to impose taxes independently of the House of Burgesses, but failed. It seems that they were thus representing the British Government, for in the instructions to Howard (1683), to Andros (1692), to Nicholson (1698) and to Nott (1705) and Hunter (1707), it was specified that they should see that the Assembly passed an act empowering the governor and Council to lay a public levy so as to save the expense of the frequent Assemblies. It was but natural that the House of Burgesses should refuse to acquiesce in such a measure. Although the calling of an Assembly was expensive,³ and both the Council and the House, frequently adjourned about 1700, on account of the non-attendance of members,⁴ still the House would not surrender, even for cases of emergency a part of their power over taxation.

1. Hening I. 124, 171, 196, 244, 319.

2. Ibid. II-24, 85.

3. The expense of the meeting of an Assembly was sometimes-as much as the amount of the public levy which it imposed. Hening II 24, 85.

4. Non-attendance was due to the distance from their homes to the capital, the harvesting of crops, and the bad roads during winter.
-Cal.St.P.Col. 1700, #666, #739, #752,
#809.

On account of the expense of the meeting of the Assembly annually the people were quite willing to have it called every two years, and in fact complained of the burden of annual Assemblies. By the end of the seventeenth century, the law prescribing that the Assembly should meet every two years was in force and generally endorsed.¹ But the custom of proroguing the Assembly from session to session had become by the beginning of the eighteenth century, very common. From 1700 to 1775, there were frequent examples of prorogation. There were in many cases, in addition to biennial assemblies, those that met annually, and in some cases, those that held two, three and even four sessions in a year.² There seems to have been no objection in the eighteenth century to the frequency of the sessions, but there were complaints of the custom of prorogation, as it prevented a free expression of the popular will.³

It is of interest to consider the expenses connected with the meeting of the Assembly. The members of the House of Burgesses were granted by their respective county, remuneration sufficient to cover their expenses. After 1661 the House, in addition to the appropriations by the counties for the traveling expenses of the burgesses, granted them a salary of one hundred and fifty pounds of tobacco a day, while in attendance on the sessions of the Assembly.⁴ By 1705 this salary was reduced to one hundred and thirty pounds of tobacco.⁵ In 1723, it was provided by act of Assembly that this salary should be paid in current money at the rate of ten shillings for every hundred pounds of tobacco; later changed to ten shillings a day.⁶

1. Bruce-Institutional Hist of Va. in 17th Cent. II 433.

2. Jour. House of Burgesses.

3. Henning VII 518.

4. Ibid. II 23.

5. Ibid. III 244.

6. Ibid. IV 136.

This salary was paid by the treasurer of the colony, out of the funds in the treasury, upon an order of the governor and a certificate of the speaker.¹

From 1736 to 1775 acts were passed quite regularly postponing the payment of the salary of the burgesses, for, from a few months to two years, but usually for a year. This was due to various causes such as the arrears in the duties on liquors and slaves, the appropriations for military purposes, the rebuilding of the Capitol, and in most cases, to the "low circumstances of the treasury."²

As the number of counties increased the number of burgesses was augmented. This increase in the membership of the House and the frequency of the sessions in the eighteenth century, indicate the expense attached to the meeting of the Assembly.

The instructions to the governors from Howard (1683) to Gooch (1737), specified that they should have the salary of the burgesses reduced so that it would not be a burden to the colonists. There seems, however, to have been no effort made in this matter. The officers and employees of the House were, of course, paid for their services. The speaker was, at first, compensated by a tax of one pound of tobacco, imposed especially for this purpose. Later, every county was required to contribute towards his remuneration in proportion to the number of its tithables. This plan, no doubt, made the speakership very lucrative, if York County may be taken as typical, for in 1682 that county alone was assessed six thousand and thirteen pounds of tobacco for this purpose.

1. Henning IV 279.

2. Ibid 524; V 172,404, VI 251,570; VII 56,249,493,658; VIII 187,490,671.

3. Ibid VII 224, II 38
Wm. H. H.

During the period 1699-1766, when the speaker also performed the duties of the treasurer of the colony, he received five per cent on the money which he handled, and after 1734 was paid £50 a year for auditing the accounts of the inspectors of tobacco, which additional salary was gradually increased to £150. When the offices of the speaker and treasurer were again separated in 1766, the speaker was allowed, in lieu of his former emolument as treasurer, £500 out of the public money in the hands of the treasurer, paid upon the warrant of the governor.

The clerk of the House received a salary during the seventeenth century, which has not, however, been definitely ascertained, but may be approximated from the salary for the eighteenth century. This salary which was, of course, determined by the length of the session, varied from £50 to £300 with an average of about £125 a session and was paid by order of the House.

The clerk of the General Assembly who was in reality the clerk of the Council was also paid out of the funds in the hands of the treasurer, a salary which varied from £25 to £100, with an average of about £60 a session.

The sergeant-at-arms whose duties included that of messenger, received a salary that varied from £20 to £80, with an average of about £30 a session.

The four door-keepers of the House received from £5 to £80, with an average of about £30, and the doorkeeper of the Council, from £5 to £20 with an average of about £10 a session.

The chaplain received from £10 to £60 with an average of about £25 a session.

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The clerks of the more important committees were paid for their services. The clerk of the committee on public claims received an average salary of about £60, the clerk of the committee on privileges and elections, an average salary of about £60, the clerk of the committee on propositions and grievances, an average salary of about £40, the clerk of the committee for courts of justice, an average salary of £30, and the clerk of the committee on trade an average salary of £30.¹ There was a public printer, whose salary was regularly paid by Act of Assembly, and since he was appointed by the House and performed services so closely related to the legislature, he may be considered an employee of that body. His salary was gradually raised until it was £450 a year.

This brief study of the regular expenses which were incident to the meeting of the Assembly indicates the amount which was usually taken from the treasury for this purpose.

In ^{the} consideration of the powers and duties of the House, the first and most important is the legislative. The House of Burgesses was really the law-making body of the colony, with the Council as the upper house, and the governor's veto as a restraining power. The acts of Assembly were effective from their passage, with the proviso that the disapproval of the home government would render any of them void. It was therefore, necessary to send all acts of Assembly to England for examination.² The instructions to the governor, in this regard were very explicit, specifying that each law should be sent separately under the seal of the colony, to the king through one of the principal secretaries of state, within three months or sooner, after enactment.

1. Jour. House of Burgesses.

2. Jour. Board of Trade LIX-137-149.

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Failure to comply with these instructions would incur the royal displeasure and the forfeiture of a year's salary, and such other penalty as the king should inflict. All laws were forwarded to the Board of Trade, and by this Board sent to the Attorney-General for his opinion on them. Acts relating to trade were, however, submitted to the Commissioners of Customs for their approval. They were all then passed on by the king in Council.¹ A study of the royal instructions to the governors after 1700 shows that the British Government was quite determined to enforce its policy of minute supervision of the legislation of the colony. The number of clauses in the instructions regarding the Assembly and the duty of the governor, to refuse his assent to acts of a certain character, increased after about 1700. The governor was explicitly instructed not to give his approval to any act passed for a less time than two years, except in certain cases regarding which he was minutely directed. This was to prevent the discontinuance of any act before the home government could examine it. This would indicate that the British Government, allowed certainly two years for this examination.

A study of the acts passed by the Assembly with reference to the "suspending clause" brings out some interesting facts. This clause which was by royal order required to be appended to certain laws, suspended the enforcement of these laws until the home government could pass upon them. The earlier volumes of Henning's Statutes at Large of Virginia, contain no example of the use of this clause, and it is not until the fourth volume covering the period 1711-1736, that we find it, and this volume has only six acts with this clause,

1. Acts of Privy Council (Col) II #14, #453, #945, #1271.

and the first was in November 1720.¹ The fifth volume has fifteen examples of its use,² the sixth volume, nineteen,³ the seventh volume twenty-six,⁴ and the eighth volume, (1764-1773) seventy-seven.⁵ The last act with a suspending clause was passed March 1773. The increase in the number of the examples of the use of this clause was gradual until 1764. The very great increase is quite noticeable after this date.

The increasing number of acts with the suspending clause, indicates the growing interference on the part of the British Government in the enforcing of the laws of the colony. All acts of Assembly without this clause, were effective from their passage, and continued so until either confirmed as laws, or disallowed by the home government. The large number of examples of the use of this clause shows that these acts passed by the legislature of the colony, were prevented from becoming effective, certainly for many months and in some cases, years and in most cases disallowed altogether.⁶

1. Hening IV, 80, 294, 376, 459, 465, 537.

2. Ibid V. 85, 89, 114, 117, 216, 219, 259, 284, 296, 299, 308, 395, 397, 400, 431.

3. Ibid. VI, 229, 299, 302, 308, 311, 314, 316, 321, 324, 402, 404, 407, 412, 432, 446, 448, 452, 513, 516.

4. Ibid. VII, 55, 127, 159, 161, 345, 379, 394, 412, 444, 452, 454, 457, 461, 466, 480, 483, 485, 487, 490, 516, 530, 548, 630, 634, 636, 638.

5. Ibid. VIII, 16, 23, 27, 33, 35, 57, 59, 61, 63, 65, 68, 123, 135, 137, 139, 143, 154, 156, 161, 163, 166, 168, 170, 172, 176, 222, 223, 227, 230, 231, 238, 251, 252, 277, 279, 283, 285, 287, 291, 293, 303, 317, 332, 334, 357, 361, 385, 393, 438, 442, 444, 447, 450, 451, 454, 457, 460, 464, 468, 470, 473, 475, 478, 480, 483, 486, 490, 629, 631, 635, 637, 638, 639, 641, 643, 665, 667.

6. In one case it took seven years, for the royal disapproval of an act passed in 1752, was not reported to the Assembly until 1759.
-Jour. House of Burgesses (1758-1761) 134.
Henning VI 229.

Acts covering every phase of the life and government of the colony were from time to time disallowed, but it seems that those concerning trade, revenue, manufactures, finance, debts, and appropriations, were most frequently repealed.¹ The British merchants were often the cause of the disallowance of the acts relating to trade, which were not especially conducive to their interests. The British Government was not careful to discriminate when only certain clauses of an act were objectionable but disallowed the whole act and required a reenactment of the clauses which were not objectionable.² Any act which, according to royal order, should have the suspending clause, was repealed, if that clause were not included, regardless of the nature of the act.³

The governor was informed of the disallowance of the acts of assembly by the home government, and issued a proclamation to notify the colonists of this action. This proclamation was read from the bench by the justices of the county courts, from the pulpit by the ministers, and the officer in charge of the musters of militia, and of course, before the Assembly.⁴

The House of Burgesses had extensive judicial powers previous to 1680, but at that time the right of hearing appeals was taken from that body. Although the home government at the suggestion of the strongly royal governor, Culpeper, deprived the House of this privilege, still through the court of claims, that body continued to exercise judicial power.

1. Acts of Privy Council (Col) (1720-1745), #46, #59, #93, #156, #171, #239, Jour. House of Burgesses (1758-1761) 40, 134, 151, 184, 288. (#245.

2. Jour. House of Burgesses (1727-1734) 58.

3. Ibid. (1758-1761) 288, 296, Appendix.

4. Henning V. 432, 559, 567.

The right to summon persons and to demand answers for examination, made the committee of public claims really a court. Although the Council was usually requested to concur with the House in its decision as to public claims, still the House practically decided all such matters as it had full power over appropriations.¹ In addition to this, the House performed certain judicial functions. In 1727 (Feb. 10) for example, two justices of the peace of Elizabeth City Co. were brought "in custody to answer at the bar of the House a complaint made against them for refusing to do their duty."² Thus the House was performing what the governor and Council as the General Court would be expected to do.

The governor and the Council had general supervision of church affairs and many matters relating thereto were referred to them. In the eighteenth century, however, the power of the governor and Council over ecclesiastical affairs was disputed by the House of Burgesses. In 1720, the House appropriated £60, to be paid to the church-wardens of Bruton Parish for defraying the charges of a law-suit between the governor and the vestry of that parish concerning the advowson of the church of that parish.³

The petitioning of the House of Burgesses for an act to dissolve a vestry in order that a new one might be elected, was quite frequent.⁴ Such petitions were addressed to the House and not to the governor and Council.

1. Jour. House of Burgesses (1727-1740) 38, 89, 158, 441;
(1742-1749) 230, 248, 397; (1752-1758) 184, 204,
235, 313.

2. Ibid. 1727-1734, 17.

3. Ibid. 21.

4. Ibid. 11, 36; (1748-1749) 181; (1761-1765) 165; (1770-1772) 207, 225, 232;
(1748-1749) 367.

Full and careful examination of the complaint of such petitioners was given by the House as indicated by the Journal and after the act was passed the Council as the upper house was called upon to sanction it, and the governor, of course, signed it.

The House and not the governor was petitioned by the church-wardens for power to dispose of the glebe and other land owned by the parish, and to decide as to location of a church.¹

The House of Burgesses was according to a contemporary, a great restraint "upon both the governor and Council, for many years till about 1680." ² Before 1680, an appeal lay from the General Court to the General Assembly, and was considered by a joint committee of councillors and burgesses, which committee was composed of three times as many burgesses as councillors. The burgesses held that the councillors having rendered an opinion on cases in the General Court should not again sit on them in this joint committee. Culpeper, taking advantage of this dispute, secured a royal order forbidding appeals from the General Court to the General Assembly, and providing that they should be made to the king in Council, only in cases involving as much as £100 afterwards £300 and still later £500.³

The fear lest the burgesses might secure absolute control of the judicial administration of the colony, was really the reason for this change. Should the burgesses have had power to reverse the decisions of the General Court (composed of governor and Council) the highest royal officials of the colony would to this extent have been subordinate to them.

1. Jour. House of Burgesses (1727-1734) 89; (1748-1749) 369; (1752-1755) 131; (1756-1758) 422, 472; (1761-1765) 165.
2. Hartwell, Blair & Chilton 25.
3. McDonald Papers VI 225.
Jour. Board of Trade III 340.
Hartwell, Blair & Chilton 25, 26.

As but one step remained from this to the assumption of political power, the British Government wished to increase the power of the governor and Council, both judicially and politically. The protest of the burgesses through their agent to this change was without effect.

Although the Assembly was recognized by the governor and by the home government, still there were certain restrictions placed upon its activity, especially near the close of the seventeenth century. In the formal instructions to Culpeper, in 1682, it was specified that all bills should be drafted by the governor and Council.¹ He was also directed to summon an Assembly only by special direction of the crown. This instruction seems to have been executed by his successor, Howard, as five years elapsed without any legislative sessions, at least, there is no record of any acts of Assembly between 1686 and 1691.² Culpeper was also instructed to reduce the salary of the members of the Assembly, and to see that the sessions were not unnecessarily prolonged.³ It was under Culpeper that the rights of the colonists in general were ignored by both the governor and the British Government. Certain governors strengthened their power, by an alliance with the Council against the House. Berkeley, for example, had the support of the Council, and to a certain extent secured what he wished from the legislature.⁴

1. McDonald Papers VI 106.
2. Hening III.
3. The salary of the burgesses was paid by the counties sending them.
-Hartwell, Blair & Chilton 41.
4. Hartwell, Blair & Chilton, 35-45.
Andrews, Col: Self Government 230.

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"The sway of the Council over the burgesses," at this time, was very apparent.¹ Under Dinwiddie also, the governor and Council were combined against the lower house of the Assembly. Such a coalition did not always prove effective, for in the case of Dinwiddie whose administrative policy was in jeopardy, coercion had to be abandoned and conciliation and compromise adopted in order to secure appropriations.

The governor, however, by his actual participation in legislation until about the beginning of the eighteenth century, exerted a direct influence on much that was done by the Assembly. Until the earlier years of the eighteenth century he usually sat with the Council in its legislative capacity, and directed its proceedings. As the presiding officer of this "House of Peers" Nicholson was complained of by some of its members, because he "swayed and overawed," that body by his being "not only continually present," but by taking upon himself "to preside and debate, to state the question and overrule, as if he were still in Council," by using shrewd tricks to carry his measures and by threatening both houses with his speeches.² The governor did not, after about 1725, however, sit in the upper house.³

The governor and Council decided as to the time of the Assembly and called the meeting. On some occasions, however, especially near the close of the colonial period, he was instructed not to call an

1. Cal.St.P.Col. (1661-1668) #1532.

By about 1700 the support of the Council was not necessary when the governor wished to dissolve the Assembly.

-Bruce-Institutional Hist.of Va. II 326.

2. Hartwell, Blair & Chilton 35, 45.

Va.Mag.Hist. & Biogr. III 377.

3. Miller, Legislature of Provincial Va. 127.

Assembly until ordered to do so by the home government.¹ The power of proroguing and dissolving the Assembly rested with the governor.² Occasionally, however, it was dissolved by direct royal order, when that body was acting contrary to some policy of the home government.³ A striking example of royal supervision in this respect was furnished by James II, who, resenting very strongly the too democratic proceedings of the Assembly, ordered the governor to dissolve it, and furthermore, to disfranchise and to prosecute Robert Beverley, the clerk and chief promoter of the trouble, and in future, to appoint the clerk of the House and not leave his appointment to that body.⁴

The complaint of Howard to the king (1685) was that the burgesses were spending their time in frivolous debates and in contesting the negative power of the governor in passing laws. Beverley was imprisoned, disqualified from holding any public office, and the papers of the House of Burgesses in his possession were seized. From 1686 the date of this royal order to 1775, the clerk of the House of Burgesses was appointed by the governor, but paid by that body, although Howard wished to have him paid out of the royal revenues. By 1763, his salary was about £50 a week during the session of the House.⁵

1. Jour. Va. Council (1705-1721) 3.

2. Miller, Legislature in Province of Va. 48, 119, 121.
Beverley, Hist. of Va. IV. 8.

3. Miller, Legislature of Province of Va. 122.
Dinwiddie Papers I. 161.

4. Hening III 40, 545.

5. Jour. Va. Council 1692-1693, 142.
Jour. House of Burgesses 1756-1758, 390, 504; 1748-1749, 359.
Hartwell, Blair & Chilton 29, 39.
Brit. Mus. King's MSS. #205, 498.

-There is no further mention by Hening of this power being again granted the House. The statement made by Bruce, that after 1691 the House again elected their own clerk is incorrect. -Bruce, Inst. Hist. of Va. II 472

The governor's signature was absolutely essential in rendering effective, acts of the Assembly and no act could be again passed over his veto. His veto was, however, subject to review by the home government.¹ He was restricted in his power of assenting to certain kinds of bills, a precaution intended in particular, to protect British interests against objectionable local legislation. Disobedience to this instruction would involve the displeasure of the king and the possible removal of the governor. The attempt of the home government to thus restrict the independence claimed by the Assembly, was resented and various expedients adopted in defiance of royal authority. The most effective was the attaching of a rider to a bill appropriating money or supplies.

The governor, in addition to the powers mentioned which he exercised over the Assembly, did not hesitate on some occasions to use his appointive power to influence the legislature. Councillors and burgesses looked to him for administrative offices and he used this power to secure their support.² The independence of the House was impaired by certain members accepting from him appointments to official positions.³ He was also able to control very largely the election of burgesses, by the assistance of his own appointees. Councillors, who held the chief military command in several of the counties, the other military officers, the sheriffs, and justices of peace, looked after the election of men to the House of Burgesses, who would be favorable to the governor.

1. Miller, Legislature of Province of Va. 124.
Hening III-40.
Va. Mag. Hist. & Biogr. III 115.
Beverley, Hist. of Va. 188.
2. Miller, Legislature of Province of Va. 127.
3. Hartwell, Blair & Chilton 25-29.
Greene, Provincial Governor 157.

One of the two burgesses chosen for a county was sometimes gained by the expectation of securing the appointment as sheriff the following year. The governor sometimes got objectionable men out of the House of Burgesses, by appointing them sheriffs.¹ Since the writs issued by the governor for holding elections for burgesses, were addressed to and executed by the sheriffs, these appointees of the governor were still further enabled to influence elections. To prevent such interference with legislation, acts of Assembly passed in 1730 and 1762 absolutely disqualified sheriffs, and provided that burgesses accepting offices of profit should resign their seats though they might be reelected.²

Notwithstanding all the power of the governor over the Assembly still in actual administration, he was compelled to call upon that body for assistance in conducting his government.³ While this was not true of the earlier part of the seventeenth century, still there was, even then, when the Assembly wielded not so much power as later, a recognition of its control of matters of finance.⁴ In Virginia, there were certain periods when the Assembly apparently did not meet, for no legislation is recorded. These periods of from three to four years were from 1686 to 1691, also from 1715 to 1718, and again from 1748 to 1752.⁵

1. Hartwell, Blair & Chilton 25-29.
2. Henning IV 292; VII 529.
3. Miller, Legislature in Province of Va. 114.
Osgood, Am. Colonies in 17th Cent. II 74, 75.
4. Kaye, Colonial Executive, 65.
5. Henning III, IV, VI.

There was no absolute need of annual sessions so far as appropriations for the salaries of the principal officers of the colony were concerned, for they were paid out of the permanent revenue of the colony.¹ But since the crown very early adopted the policy of leaving the support of the provincial governments to the provincial assemblies, there were many occasions when it became necessary for the governor of Virginia to call upon the Assembly for appropriations of money and supplies. No taxation within the colony was legal without the consent of the Assembly.

The Assembly, by passing at different times, from 1624 to 1680, acts declaring that the House of Burgesses alone had the power to levy taxes, firmly fixed this principle. The only departure from it seems to have been in 1661, when to avoid the expense of calling an Assembly (which was usually very heavy) the governor and Council were empowered to lay the public levy annually for three years, beginning September 1662.²

The power of the Assembly over appropriations was clearly demonstrated when Nicholson, himself, after that body had refused to comply with the desire of the crown, to send aid to New York, advanced as he claimed, £900 for that purpose.³ Spotswood, calling upon the legislature for funds with which to prepare for an expected attack by the French, and also for a war with the Indians, being refused, was compelled to apply to the home government for military supplies.⁴

1. Henning II 466; III 344, 490.

2. Ibid. I 124, 171, 196, 244, 319; II 24, 85.

3. Beverley-Hist. of Va. 87.

Acts of Privy Council (Col.) (1680-1720) #866.

Beverley states positively that Nicholson did not actually pay that amount.

4. Spotswood Letters II 9. - Sainsbury (1706-1714) 391.

While Dinwiddie was governor, the Assembly, in the controversy over the pistole fee, the appropriating of funds for the expected attack by the French, and the refusal to send delegates to the Albany Congress, showed its power, and also the decline of royal authority in the colony.¹

Not only in regard to appropriations, but also in purely executive matters, the Assembly encroached upon the powers of the governor. After using the control of the purse to check abuses of executive functions, the Assembly next deprived the governor of a certain degree of executive power.² The practice of giving detailed instructions as to the disposition of funds appropriated by the Assembly, left the governor but little discretion as to the use of such funds.³ The Assembly through its very existence as a critical body, empowered to inspect certain public accounts, and as a court of claims to which claims against the public were presented, after being first passed on by the burgesses, served to check the power of the governor. Either directly or indirectly, through committees, the Assembly also assumed a part of the executive power.⁴ Dinwiddie was obliged to assent to a bill which provided that certain funds should be disposed of by commissioners.⁵ The Assembly increased its power by combining with its control over finances, the appointment of the treasurer of the colony.

1. Dinwiddie Papers I-98, 99, 252, 298; II-50.

2. Jour. House of Burgesses 1748-1749, 324.

3. Dinwiddie Papers I 161.
Greene, Provincial Governor 180, 181.

4. For example, the Committee appointed in 1701, to superintend the building of the Capitol. -Hening III 214.

5. Dinwiddie Papers I 161.

From 1691 this officer was appointed by the Assembly, and for sixty-seven years (1699-1766), the Speaker of the House of Burgesses held the office.¹ In 1757, Robinson, the speaker-treasurer, used his power against Dinwiddie, by lending the public funds to certain members of the lower house, in order to secure their votes. Thus Dinwiddie was nominally governor, but Robinson was practically dictator in certain emergencies. When Fauquier was appointed governor in 1758, he was instructed to use every means to prevent the speaker from being appointed treasurer.²

But instead of attempting to comply with this royal order, he permitted Robinson to continue in the exercise of his dual office, and so informed the Board of Trade. In a letter of May 12, 1761, to the Board of Trade he stated:

"I am thoroughly convinced that no alteration can be made in this long established custom of appointing the Speaker of the House of Burgesses, treasurer,- without a manifest prejudice to his Majesty's service." He referred to Robinson as the "darling of the country."³ This was really a wise political act on the part of Fauquier, and not a case of "graft". In his letter to the Board of Trade, he very frankly admitted that the Speaker was the most influential man in the colony and requested special instructions as to attempting to remove him from the office of treasurer. There was as stated, very cordial relations existing between Fauquier and Robinson. "I have always found him," said Fauquier, "the most useful man to me , in conducting his Majesty's business."⁴

1. The combination in one person of the three functions of leader of the House, speaker, and minister of finance is perhaps without precedent. -Greene, Provincial Governor 186.
Jour. Board of Trade X 222.

2. Ibid., LXV 111, 107.

3. Jour. House of Burgesses (1758-1761) 294.

4. Ibid.

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This shows how rapidly the influence of the crown in the colony was declining.¹

In addition to these encroachments upon the governor the Assembly invaded what was regarded the exclusive right of the chief executive, that is the conduct of military operations. The interference with the governor in this respect reached its height during the French and Indian War, when he was so dependent on the Assembly. The legislature, at this time, not only prescribed in detail the purposes, for which military supplies were to be used, but put the disposition of these funds in hands of committees of the House, dictated the course of military operations, and practically through the appointment and removal of officers, really exercised much power over the troops.² The power of the governor over the militia was theoretically as extensive as formerly, but was not sufficiently recognized by the troops, to compel them to obey the royal order, sent through Dinwiddie at the beginning of that war to march to the Ohio.³ The encroachment of the Assembly upon the prerogative of the governor in regard to military affairs also occurred in other colonies, and led Chalmers to state with reference to the conduct of the French and Indian War, that "the king's representative acted merely as the correspondent of his ministers\$.

1. "In all the colonies, the assemblies had to a greater or less extent, assumed the exercise of the appointing power, over other offices, chiefly those concerned with the collection or payment of public money." -Greene, Provincial Governor, 186, 188.
2. Jour. House of Burgesses (1756-1758) 337, 357, 368, 374, 378, 414, 483, 484. (1758-1761) 265, 270, 273.
3. Dinwiddie Papers I 134.

The war was conducted by committees of Assembly."¹

When Fauquier was governor, the Assembly practically had charge of military affairs. This condition of affairs was known to the home government, but the inability of that government to check this serious encroachment upon royal authority was admitted. The Board of Trade commenting on the attitude of the Assembly, lamented the fact that they were unable to change the spirit exhibited by that body.² The home government could not, especially near the close of the colonial period, dictate to the Assembly, for the royal prerogative was seriously questioned in the colony. In the instructions to the governors, and in their correspondence with the home government, especially in the case of Dinwiddie and Dunmore, it is to be observed that such phrases as the "prerogatives of the Crown," and "our royal prerogative," occur.³ These encroachments of the Assembly on the royal executive power as exercised by the governor, were clearly recognized by Fauquier, as the signs of an approaching conflict, and as early as 1759 and 1760 he warned Pitt against imposing heavy taxes on the colonies.⁴

The power of the governor was thus at its highest point about 1700, and from that time until the Revolution, it declined while the power and influence of the Assembly was, during this period, in the ascendant.

1. Chalmers-Hist.Revolt of Am; Col. II 300,301.
Greene-Provincial Governor, 192.
2. Chalmers Hist.Revolt Am. Col. II 352.
3. Dinwiddie Papers I 72,140,160.
Dunmore's Instructions.(Mass.Hist.Soc.Col.4th ser.X,636,638)
4. Jour. House of Burgesses (1758-1761) preface XIX.

Petitions of the House of Burgesses to the king were to be transmitted by the governor, and any other method of forwarding them was considered contrary to royal instructions.¹ While Howard was governor, the House of Burgesses sent a petition to the king, protesting against a new invention of a deal, by which the governor extracted from the colonists 100,000 lbs. of tobacco a year, in extraordinary fees and perquisites. The petition was sent to Whitehall, but instead of being delivered to the king, was sent to Howard with an account of how it had been transmitted. For this act of insubordination, the clerk of the House, Colonel Thomas Milner, was removed from this office and from that of surveyor which he also held, and the member of the House who assisted him, being a lawyer was prohibited from practicing law.

It is of interest to contrast with this action of the home government in regard to appeals to the king, another example of a later date when the House of Burgesses wielded more power in the colony. In 1754 the House sent Peyton Randolph, the attorney-general of Virginia to England, with a petition to the king, protesting against the pistole fee (\$3.60) for affixing the seal of the colony to every land patent imposed by Dinwiddie. While the burgesses were not successful in having their petition granted, still the attempt of the governor to collect the fee was likewise unsuccessful. The action of the home government in this case, was in effect favorable to the colonists. Although, Randolph held his commission under the royal sign manual, and had left the colony without the permission of the home government or of the governor, to prevent a petition of the House of Burgesses against the governor, he was reinstated in the

1. Individual petitions were usually sent direct to the king and not through the governor.

office of attorney general, by the governor upon royal instruction, after promising not to go again on a similar mission.¹

This was but one of the many signs of the decline of royal authority in the colony, and of the recognition of that fact by the home government.

After 1759, the House of Burgesses had its own agent in London, who remained there to negotiate any matters for that body.

This study of the House enables us to ascertain to some extent, at least, its efficiency as a provincial body. We have seen that as early as 1635 it wielded much power, and especially during the Commonwealth. During the royal reaction, however, after 1661, and especially under Berkeley, the House was not popular, but rather a dictatorial oligarchy, under the influence of the governor. But under Culpener and Howard, who successively followed him, there was a pronounced opposition on the part of the burgesses to the dictatorial and unpopular policy of these governors. This resistance to oppressive royal authority increased throughout the remainder of the colonial period and was very pronounced at certain times in the eighteenth century. In order that the House might be provincial and truly serve the interests of the people and might not be under obligation to the royal government of the colony, it was specified that the burgesses should not hold any office, and especially one in the gift of the governor or other royal appointees. By 1736, for example, tobacco inspectors were not only excluded from membership in the House but were not allowed to take any part in the election of members or to be present at the polls.²

1. Dinwiddie Papers. I 492.

2. Hening IV-481.

By 1742, an act was passed which rendered a former tobacco inspector ineligible to membership in the House of Burgesses until two years had elapsed since he had served in that office.¹

1. Hening V 153; VI 185.

C H A P T E R V.

CHAPTER V.

Secretary.

The office of "Secretary of State", one of the oldest in the colony, was invariably held by a councillor.¹ The secretaryship was a royal appointment, and the commission was granted by the king in Council under the great seal of Great Britain.² The governor, however, had power over the appointment to the extent of recommending a councillor for that office,³ and in case of an emergency he did not allow the office to remain vacant, but made a temporary appointment, subject of course, to royal approval.⁴

The various functions pertaining to this office may be surmised when we learn that the seal of the colony was in possession of the secretary.⁵ All patents and many other papers issued by the governor were in fact issued from the secretary's office. Practically all of the records of the colony were preserved there, such as the commissions to the officials of the colony, charters from the king, letters from England to the governor, the governor's proclamations,

1. Cal.St. P. Col. 1661-1668. #454; 1689-1692 #505
Hartwell, Blair & Chilton, 33
Va. Mag. Hist & Biogr. I. 226, 237; XIV 267.

2. Cal.St.P.Col. 1675-1676 #718; 1696-1697 #1320
Brit. Mus. Kings MSS. #205, 493.
Va. MagHist & Biogr. XIV. 267, 268, 354.
Jour. Board of Trade XIV. 32.
Jour. Va. Council 1705-1721, 250.
Acts of Privy Council (Col.) 1680-1720 #825.

3. Cal.St.P.Col. 1696-1697 #1320; 1689-1692 #683, #2286.
Hartwell, Blair & Chilton 24.

4. Cal.St.P.Col. 1689-1692 #2282.

5. Ibid., 1675-1676 #718
Standard-Conf. Va. Register, 6.

the oaths taken, marriage licenses, the births and deaths, all proceedings of the General Court and Admiralty Court, a register of all wills probated, all letters of attorney issued, and a list of all tithables furnished by sheriffs.¹ This office was the land office of the colony and deeds to land, and lists of escheated lands were recorded there.² All fines and forfeitures were certified to the secretary; all papers relating to coroners' inquests were filed in his office; the freedom of ships was recorded by him, and naturalization papers were issued from his office.³ Among the writs issued by him may be mentioned the writs from the General Court and those for choosing burgesses issued by order of the governor.⁴ The duty of furnishing passes to those desiring to leave the colony devolved upon him. Such passes were intended to prevent the secret transportation of persons in debt, and servants and slaves; but other persons, and even councillors, were required to secure passes from the secretary before departing. The governor was forbidden by a law passed in 1660 to grant any such passes except on certificates filed in the secretary's office.⁵ The secretary was ex-officio clerk of the

1. Jour. Va. Council 1692-1693, 127
Va. Mag. Hist. & Biogr. X 145; XI. 159
Hening, II. 27, 28; IV. 44
Beverly Hist. of Va. 196
Hartwell, Blair & Chilton, 48, 49.
2. Hening, II. 95; III. 305-306; V. 411; VI. 510.
Jour. Va. Council-1692-1693, 146
Cal. St. P. Col. 1661-1668 #1250; 1693-1696 #1311; 1696-1697 #1520
Va. Mag. Hist. & Biogr. X. 59
3. Hartwell, Blair & Chilton, 48, 49
4. Hening, III. 291
Beverly Hist. of Va. 197
Cal. Va. State Papers I. 34
Jour. House of Burgesses (1742-1747) 77, 155
5. Hening, II. 28

Council and the General Court, though the duties of these offices were actually performed by the titular clerks of these bodies. It was from his office that full reports of the proceedings of the General Court, and copies of all new laws and orders were dispatched to England.¹

Before 1624, the compensation of the secretary was five hundred acres of land and twenty servants. By 1642 a fixed schedule of fees was arranged and also certain perquisites, which by 1661 were well established by law.² The income furnished by this office was in 1696 estimated at about 98000 lbs. of tobacco, or from £400 to £500 per year, and by 1763 it was estimated by Pauquier to be about £1000.³ He received all the fees of the General Court, and paid the clerk of the General Court, who was his deputy, a salary for his services.⁴ By 1767, the clerk of the General Court received a salary of £50 a year out of the two shillings per hogshead revenue. In order to prevent exorbitant charges by the secretary, the fees allowed him and also the clerks of county courts, were specified by law, and a list of them posted in a conspicuous place at his office.⁵ On one occasion he received from the quit rents of the colony, by special order of the sovereign, £300 for his services in revising the laws of Virginia.

1. Hening III.273,274; VI.46,47
Va.Mag.Hist. & Biogr. X.242
Cal. St. P. Col. 1696-1697 #943

2. Va. Mag. Hist. & Biogr. III.122
Hening II.144

3. Cal. St. P. Col. 1696-1697 #1320. Most of these fees were even in the eighteenth century paid in tobacco. - Hening IV.60; V. 326
Brit.Mus.King's MSS. #205,493

4. Beverly, Hist. of Va. 198

5. Webb- Justice of Peace, 143.
Va.Mag.Hist. & Biogr. X.145

Hening II.55; IV.59; V.38
Dinwiddie Papers, I. 41

6. Blathwayt's Jour. II, 295.

That the secretary did not on all occasions perform the duties devolving upon him in a creditable manner, is evident from the acts passed for the regulation of that office. "Perhaps in no civilized country whatever", said an authority, "were the records so badly arranged and kept as in the former secretary's office of Virginia."¹ While this statement had reference to this office in 1674, still there was a clause in the instructions to all the governors to 1775, directing them to see that the secretary performed his duties in an efficient manner.

The secretary had a certain degree of appointive power. The clerks of the county courts were after about 1646 appointed by him and considered his deputies. He did not actually sell these clerkships, but took from each clerk every year a small sum for the appointment.² The governor was instructed not to permit the Council to interfere with the secretary in these appointments.³ He was empowered to appoint deputies, (at least one in each district) for granting passes to those desiring to leave the colony.⁴ He appointed on approval of the governor and Council his own deputy, in case of absence from his office, such appointment being, however, subject also to royal approval.⁵

1. Henning II, 354, 355, 509 (Note).
Cal. St. P. Col. 1675-1676 #1123; 1697-1698 #819
Hartwell, Blair & Chilton, -48
2. About 1700 the total of secretary's commissions from clerks was about 36,000 pounds of tobacco.
Sainsbury, 1720-1730, -268
Bruce-Inst'l Hist. of Va. in 17th Cent. II, -401.
Va. Mag. Hist. & Biogr. VIII, 184
3. Jour. Va. Council, 1705-1721, Appendix p.10
Spotswood Letters II, 279
Cal. St. P. Col. 1689-1692 #1946
4. Henning, III, 273.
5. Cal. St. P. Col. (1690-1697) #50.

he appointed the clerk of the general court on a proposal of the Governor and Council and the clerks employed in his own office.¹

That the secretary occupied a position of much influence and responsibility may be readily inferred. Regarding the power wielded by this officer, Culpeper writing in 1683, said, "The Secretary is a patent office from the first seating of the country, the very next in dignity to the governor."² This officer was about fifteen years later referred to as the "greatest man in the government, next to the governor."³ An influential man in the colony writing in 1698, the Lords of Trade declared the secretaryship to be the "greatest trust, requiring the greatest abilities in the government."⁴

In the appointment of the county court clerkships after 1646, which were places of considerable profit and held by men of wealth and ability, he had it in his power to get each of these clerks returned to the House of Burgesses, or to gain a burgess by the gift of a clerkship, so as to have about one-half of the burgesses entirely in his interest and ready to vote as he directed.⁵ A bill offered in the House of Burgesses in 1718, provided that the appointment of these clerkships should be taken from the secretary and given to the justice of peace, for as long as they held office at the pleasure of the secretary who was an appointee of the king, the Assembly would be too much under the influence of the royal governor. Spotswood considered this

1. Va. Mag. Hist. & Biogr. II, 2
Hartwell, Blair & Chilton, 50
Journ. of Va. Council, 1692-1693, 156

2. Stanard-Colonial Va. Register, 6, 21
Va. Mag. Hist. & Biogr. III, 227

3. Hartwell, Blair & Chilton, 50.

4. Cal. St. P. Col. 1697-1698, #656

5. Brysdale to Lords of Trade June 29, 1726-(Sainsbury, 1720-1730, Doc.)
Stanard-Col. Va. Register 6.

an attack on the king's prerogative, and declared his intention to veto it, should it pass. As the bill failed the clerkships continued to be filled by the secretary's appointees.¹

The power of the secretary was increased before 1700 by the addition of the duties of naval officer and collector, and during the whole colonial period by his membership in the Council, which entitled him to sit in the upper house of the Assembly and in the General Court, which bodies, when in session, took much of his time.²

In case of the death or absence of the governor, the royal instructions about 1700, specified that the secretary must be present in Council when that body discussed matters pertaining to the government of the colony.³ On two occasions, at least, the secretary, owing to his rank as senior councillor, when the governorship was vacated, succeeded to the presidency of the Council, and the position of acting governor of the colony.⁴

The relations existing between the secretary and the governor were generally such as to conduce to the best interests of the colony, and sometimes they were so intimate, that the secretary was included with the governor in the complaint against the maladministration of that office.⁵

In case of misconduct on the part of the secretary, the governor and Council were empowered to remove him, and in one case they practically compelled him to resign.⁶ The action of the governor and

1. Spotswood Letters, II., 279
2. Cal. St. P. Col. 1697-1698, #656
Hartwell, Blair & Chilton, 48-50
3. McDonald Papers, V., 345, 346
Cal. St. P. Col. 1677-1680, #1127
4. Stanard, Colonial Va. Register, 17, 18, 21.
5. Cal. St. P. Col. 1677-1680, #182
6. Ibid., 1689-1692, #2284, #290.

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ouncil in 1611. The subject is reviewed in the Board of Trade.

When the secretary for any reason was in London, he was summoned by the Board of Trade to furnish information on the colony, for an important part of his duties was to keep the home government constantly informed in regard to affairs in the colony by sending home copies of all public papers.¹

The secretary performed certain of the functions of the Lord-Chancellor, who was a prominent member of the king's Council, and custodian of the Great Seal of Great Britain.² The secretary was likewise a leading member of the governor's Council, and keeper of the seal of the colony.

The secretary of Virginia did not, however, fully represent the principal secretaries of state, of whom there were two and sometimes three, and who occupied positions of very great importance and nearness to the king.. Any British subject might petition the king in Council or the king in person, and in the latter case the only approach was through a secretary of state.³ Petitions were, however, sent direct to the governor without passing through the hands of the secretary. The secretaries of state prepared and arranged the matters of business to be brought before the larger body of the whole Privy Council. They were necessary instruments for carrying out the pleasure of the king, and were usually persons whose opinion carried great weight.⁴ The secretary of Virginia did resemble the

1. Stanard, Col. Va. Register, 7
Jour. of Board of Trade, I. 133

2. Anson, Law and Custom of the Constitution, II. 146, 149.

3. Ibid., II, 152.

4. Ibid., 156.

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secretaries of state in these respects, for as a member of the governor's inner circle, he discussed all executive matters, and also legislation. He was one of the most necessary and useful men to the governor in carrying out his plans.

LAND SYSTEM

During the seventeenth century the system of acquiring land by "head right", was approved by the home government. But this system was abused and evaded in almost every conceivable way.¹ It was provided that for every person transported to the colony fifty acres of land would be granted. False statements were made as to importation, shipmasters, of course, agreeing thereto, in order to secure land for persons who did not actually come to the colony. The secretary of the colony even as late as 1697 did not hesitate to dispose of land rights quite lavishly, charging for each from one to five shillings.² Transporting persons from England was too expensive when a planter wished to incorporate only a few acres into his plantation, so the custom gradually developed of securing a patent by the payment of a fee to the secretary, who affixed the seal of the colony to the grant. There was no law sanctioning this, but as the colony grew there was need of more land and also a demand for an easier and less expensive method of acquiring it. Convenience and custom, therefore, sustained the method which was adopted.³ By the beginning of the eighteenth century, (1705) this custom was established by law, and the fee charged by the secretary was definitely fixed at five shillings.⁴

1. Bruce, Economic History of Va. in 17th Cent.: I., 518.

2. Hartwell, Blair & Chilton, 16.

3. Bruce, Economic History of Va. in 17th Cent.: I., 525

4. Hening, III., 303.

The tendency during the seventeenth century was to increase the size of the plantations, the average tract being about five hundred acres. There was, therefore, an increase in the number of acres specified in the patents issued especially near the end of the century, several of them for example ranging from ten to one hundred thousand acres.¹ The establishment of the custom of the payment of a fee to the secretary by law encouraged the tendency towards the acquiring of large estates. The carelessness and even negligence of the surveyors, who did not survey certain tracts, tended to influence a wealthy planter to claim more land than he had justly acquired. Spotswood's estate aggregated 86,000 acres, and William Byrd of Westover owned 179,440 acres of the best land in the colony. Since the governor and Council controlled to a large extent the granting of land, and the councillors, and sometimes the governor, were large land owners, it was difficult to prevent such a monopoly. A contemporary stated in 1696 that the land system was the chief hindrance to the growth of the colony. The Council in answer to an inquiry of the Board of Trade in 1708, as to the cause of the removal of inhabitants from Virginia to the neighboring colonies, stated that it was "the want of land to plant and cultivate."³ Yet the councillors themselves were partly responsible for it. This condition of affairs was, of course, due

1. Bruce- Economic History of Va. in 17th-Century. I, 531-532

2. Edward Randolph, Surveyor-General of Customs to Board of Trade.
Cal. St. P. Col. 1696-1697, #176, #354.
He stated that the members of the Council and "others who make an interest in the government" had procured large tracts so that there was no land for new settlers who came to the colony. This he held was the cause of the slow increase in the population. He estimated that of the 500,000 acres granted by patent, not more than 40,000 had been cultivated or in any way improved.

3. Jour. Va. Council, 1705-1720, 100.

to the fact that wealthy planters retained land which they neither cultivated nor permitted to be used by others. In the instructions to the governors from Nicholson (1702) to Botetourt (1768) there were clauses dealing with the land system. They were directed to see that no more land was taken up than could be cultivated, and to furnish the home government with the names of those holding over 20,000 acres. In the instructions to Botetourt and Dunmore it was specified that not more than 1000 acres should be held by any one person. Nott was ordered (1705) to propose a law to the Assembly, restricting the taking up of land. It seems that there was an irregular practice of taking up land without having the required patents issued. The grants issued in regular form were, of course, registered in the secretary's office, and reports were from time to time made to the home government. In the above instruction Nott was directed to have the proposed law to require every planter to actually live on the land which he held. The grants were to be limited to one hundred acres for the planter, and one hundred acres for each laboring person brought thereon within three years after the grant was issued. Should the planter fail to comply with this law, he was then to pay ten shillings a year on every one hundred acres retained. This plan was, however, upon the objection of the Council, practically abandoned. In the special additional instructions to Hunter (1709) the reason given, was that the proposed method was "not agreeable to the laws, constitution and practice" of the colony. The system in operation, previous to 1705, was continued, with the proviso that greater care should be exercised in regard to having patents issued, and also that three of every fifty acres should be cultivated within three years after possession had been obtained.

Quit Rents

All land in the colony was claimed by the king, and those who held it were required to pay an annual rent to him for it.¹ The quit rent, which was one shilling for every fifty acres, was not at first required to be paid until seven years had elapsed since the grant had been obtained. This had a tendency to encourage the acquisition of more land than could be cultivated, so the privilege of waiting seven years was revoked in the instructions to Berkeley (1662) and also to later governors.² In the seventeenth century quit rents were paid in tobacco to the sheriff, who made his returns to the auditor. The governor, the auditor, and the councillors disposed of this tobacco, and remitted the amount in coin or bills of exchange to the royal exchequer. The councillors frequently purchased from the auditor the quit rent tobacco collected in the section of the colony in which they lived, and it was also customary for them to be farmers of that revenue.³ It seems that until rather late in the eighteenth century, quit rents were paid in either tobacco or current money.⁴

There was general objection to paying the quit rent, and as a result the colonists evaded payment when possible to do so, or delayed settlement, so that there was usually a certain amount of this revenue in arrears. Of course the taking up of large tracts of un-

1. The only exception was in the case of those holding land in the Northern Neck (between the Rappahannock and Potomac rivers) which was granted to Culpeper and Arlington in 1661. This grant was repealed (1684) but the quit rents were retained by Culpeper, by royal permission.
2. Va. Mag. Hist. & Biogr. III. 15.
Colonial Office Papers - British Transcripts, MS Div. Lib. of Cong.
3. Hartwell, Blair & Chilton-33.
4. Henning IV. 41, 79; VI. 168, 171; VIII. 103.

cultivated land upon which it was not intended that quit rents should be paid, accounted for the arrears in certain cases.¹ It was estimated that the members of the Council held in 1696 many thousands of acres, upon which they had never paid any quit rents.² Land which was not cultivated within three years, was according to the custom to lapse to the king, but failure to pay the quit rent did not deprive a planter of his land. The Acts of Assembly to prevent the defrauding of this revenue, were not enforced. The law that land on which no quit rent was paid within three years was to be forfeited, was often evaded.

In the instructions to the governor (1700-1775) special mention was made of the quit rents. He was directed to correct the irregularities in the collection of them, by having a rent roll made for each county, in order to ascertain those who were delinquent, and to furnish the home government with an account of such arrears.

Notwithstanding all that has been said about the failure to pay the quit rent, it will be seen in the discussion of the revenues of the colony in the next chapter, that the colonists did contribute much through this method towards the royal revenues.

1. The sheriff of King and Queen County stated in 1692 that there were 38,000 acres in that county, regularly patented, on which he could collect no quit rents.
- Cal.St. P. Col. 1696-1697 #176

2. Edward Randolph, Surveyor-General of Customs to Board of Trade.
- Cal.St. P. Col. 1696-1697 #654

The office of surveyor-general was from 1691 to 1692 under the appointment of the governor, but from 1692 to 1698 it was filled by royal appointment under the great seal.¹ By the provision of its charter in 1692, William and Mary College was given the power of appointment to this office, and those who held this position after that date were appointees of the college.² It seems, however, that the governor and Council had a certain degree of supervisory power over these appointments, and in fact made them. Since the governor and several members of the Council were among the visitors and trustees of the college, and the president of the college was a councillor for fifty years, it was not difficult for them to control this office. In the case of the appointing of Miles Cary, the first incumbent, it is to be observed that his name appears among the trustees of the college, to whom the power of disposing of this office had been granted.³

The surveyor-general appointed and commissioned the county surveyor for each county, but these appointments were submitted to the governor and Council.⁴ In the instructions to the governors from Nicholson (1702) to Dunmore (1771) it was specified that surveyors were to be appointed by the governor and Council which, no doubt, means that the appointments of the surveyor-general were to be approved by

1. Cal. St. P. Col. {1661-1668} #1105, 1119; {1669-1674} #540, #644
Sainsbury {1640-1691} 188
Stanard-Col. Va. Register, 26

2. Cal. St. P. Col. {1693-1696} #1808
Beverley-Hist. of Va. 198
Va. Mag. Hist. & Biogr. I., 239
Stanard-Col. Va. Register, 26

3. Va. Mag. Hist. & Biogr. I., 239

4. Jour. Va. Council {1705-1721} 97, 117, 133
Va. St. P. I., 198
Cal. St. P. Col. {1696-1697} #32
Va. Mag. Hist. & Biogr. I., 240.

Before 1692, and possibly from 1600 to 1692, while this office was filled by royal appointment, the surveyor-general appointed his own deputy, who likewise appointed deputies, and these in turn appointed deputies. This gave rise to "much quarrelling and complaint" as the surveyor-general did not for the period mentioned come to the colony. But the chief reason why the office of surveyor-general was changed from a royal to a provincial appointment, was that the surveyors were generally elected burgesses, and exerted an evil influence in the legislature.¹ The county surveyors were after 1692 empowered to appoint deputies.² These surveyors received their instructions from the governor and Council.³ They delivered every April to the auditor a list of all surveys made during the year, with a detailed account of them.⁴ The surveyor-general and also the secretary kept a record of all land surveyed.

The surveyors were paid in fees fixed by law according to the survey made. In 1624 the fee was ten pounds of tobacco, later twenty, and by 1666 forty pounds for every 100 acres surveyed.⁵ The person for whom the survey was made, paid this fee to the surveyor, who, after deducting five per cent. for himself, and one-sixth for the college,

1. Cal. St. P. Col. (1689-1692) #1437
2. Jour. Va. Council (1721-1734) 91
3. Ibid. (1705-1721) 97, 297.
Va. St. Pap. I. 224
Cal. St. P. Col. (1693-1696) #2191; (1696-1697) #37
4. Jour. Va. Council, Ex. Session, Oct. 31, 1723, 92.
5. Henings, I. 125, 335; II. 235
Peverley-Hist. of Va. 199.

turned it into the office of the receiver-general.¹ The surveyors were paid out of the quit rents by order of the Council (of course with the approval of the home government) for any special public surveying.²

In addition to these county surveyors there were uncommissioned officers, designated as "surveyors of the highways", who were appointed by the county courts, to see that the roads were kept in good condition.³ Occasionally special surveyors were appointed for such matters as running the boundary line between two colonies, or surveying very large tracts of land.⁴ These special surveyors, as in the case of the surveying of the boundary line between Virginia and North Carolina, and the boundary of the Northern Neck of Virginia, were paid out of the quitrents upon royal order. The royal warrant specifying the compensation in these cases was countersigned by the Lords of the Treasury and transmitted to the governor.⁵ The royal supervision of such matters is shown by the order in Council directing the Board of Trade to take up the question of the surveying of the Virginia-North Carolina boundary, with the governor of Virginia and the proprietor of North Carolina, who were empowered to issue commissions to these special surveyors. In the case of the dispute as ---

1. Jour. Va. Council (1705-1721) 297.
Hening-III. 57; IV. 419; V. 56; VI. 91.
Beverly-Hist. of Va. 226.
2. Va. St. P. I. 126.
Jour. Va. Council (1705-1721) 44
3. York Co. Records, (1694-1702) 277
4. Bassett-Writings of Wm. Byrd (Intro.) 180
Beverly-Hist. of Va. 199
5. Cal. Treas. Books & P. (1739-1741) 58, 216
Jour. Va. Council (1721-1724) 354
Sainsbury, (1606-1740) 144, 163.

... of the ... of Virginia, ...
... holding land, the number and location of every ... in
... section, and other details were all forwarded to the Board
of Trade.¹

There were near the close of the colonial period special
"commissioners" appointed by Act of Assembly to run the dividing
line between certain counties, and also certain parishes, who
were required to perform this service and to report to the Assembly.²

1. Jour. Board of Trade, XX. 412; XLVIII. 32, 34, 46
2. Henrich, VIII. 601-606

Every one to whom land was granted was required "to seat" or "plant" that land within three years, otherwise it lapsed to the king, to whom all land in theory belonged.¹ When a land-owner died without will or heirs, his land escheated to the king.

There was a "great area" of soil which according to an authority had lapsed to the king during the seventeenth century, on account of failure "to seat" within three years.² Certain county records show cases of escheated land ranging from twelve to seventeen hundred and fifty-two acres.³

In the earlier part of the seventeenth century the one in actual possession of the so called lapsed land had by the king's charter the right to the land in question, but later it was necessary to petition for it. Land did not really lapse to the king, for any one might petition the General Court, and later it depended on the governor's favor, as to who among the petitioners would be granted the land so lapsed.⁴ The governor issued a warrant to the escheator of the district in which the land was located, who with a jury of twelve men made inquisition. This inquisition was returned to the secretary's office, where it remained for nine months, in which time, if no one claimed the land, a patent was issued to the petitioner selected from those applying for the land.⁵

1. Cal. St. P. Col. {1698-1697} #1320
Henings, V.418

2. Bruce, Economic Hist. of Va. in 17th Cent., I. 564

3. Wm. & Mary Quarterly, VII. 303; XII. 106-108, 185-190.

4. Hartwell, Blair & Chilton, 18-19.

5. Hartwell, Blair & Chilton, 18-19
Cal. Va. St. P. I. 150, 157
Henings II, 56, 135-137.
Journal of Va. Council {1708-1711} 201

... was divided for the exercise of the duties of their office. One escheator, therefore, served several counties, and each was allowed to have one deputy.² They were usually appointed from the membership of the Council, and were always appointed by the Governor under the seal of the colony, and hence responsible to him.³ There was a law that no one should hold this office of escheator while filling any of the offices of surveyor, sheriff, or clerk of a court, but it was not always obeyed.⁴ The members of the Council were, however, permitted to serve in this capacity, notwithstanding the fact that the "same man who as ministerial officer takes and returns the inquisitions of escheats, as judicial officer gives sentence in points of law upon the same office."⁵ There were as would be inferred many irregularities in acquiring possession of escheated land.

The escheator was allowed a fee of £5 sterling or one thousand pounds of tobacco for every inquest, to be paid by the petitioner desiring the escheated land.⁶ In addition to this fee the petitioner was required to pay to the receiver-general for the king two pounds of tobacco per acre for the land obtained.⁷

1. South side of James River. Between James & York Rivers
Between Rappahannock & York Rivers. Eastern Shore
2. Jour. of Va. Council (1705-1721) 22,75
Va. Mag. Hist. & Biogr. I. 238; II. 2
Hening, III. 317.
3. Hartwell, Blair & Chilton, 24, 33
Va. Mag. Hist. & Biogr. II. 2
4. Hening, II. 354
5. Hartwell, Blair & Chilton, 24
6. Hening, III. 317
McDonald Papers VII. 154
7. Hartwell, Blair & Chilton, I. 10
Va. Mag. Hist. & Biogr. I. 238

C H A P T E R V I .

REVENUES.

When the colony was changed from proprietary to royal (1684), the customs duty on tobacco paid at the English port by the importer, was even then of much importance. One of the chief sources of revenue of the colony was the duty of two shillings per hogshead on exported tobacco, imposed in 1662 by the Assembly.¹ By 1680 Culpeper had this duty made perpetual, and instead of its being accounted to the Assembly as formerly, it was to be disposed of according to the order of the king.² It was appropriated according to the act of 1662 and also that of 1680 for the royal service, and was used for paying the salaries of the governor and other officials of the colony, and for the usual contingent charges of the government, and was the only fund upon which the governor could draw in case of emergency.³ In 1624 the annual revenue paid by the importers into the royal treasury from this duty on tobacco was £90,000. In 1674 when the two shillings duty was paid, the annual sum realized was £100,000. Some of this tobacco, however, was shipped from Maryland. In 1624 tobacco commanded a higher price in England than in 1674, and the duty was higher also. This evidently accounts for the similarity in the amounts just mentioned, although more tobacco was raised and more imported into England.

1. The act of March 1658, imposing this duty was repealed March 1662, and not again reenacted until March 1662. - Hening I. 491, 536. Hening II. 130 - There were really two duties paid on tobacco exported, - one, the two shillings per hogshead paid by the shipper in the colony, and the other the English customs paid by the importer in England.

2. Blithwayt's Journal, I. 62.

3. Dinwiddie Papers, I. 353. Hening, II. 466

Less than 100

Less than 100

Less than 100

Less than 100

Less than 100

Less than 100

Less than 100

Less than 100

Less than 100

Less than 100

... and revenue alone was not even by 1680 more than \$3000. In 1680 twenty-seven per cent. of this revenue for collecting it, and was only a very gradual increase in the net amount realized.³ By 1780, however, this revenue amounted to \$5000 annually.⁴

The revenue known as port duties was a charge of fifteen pence per ton on all ships trading in Virginia, appropriated by act of Assembly to the support of the government.⁵ There was a charge of six pence per poll on every person brought into the colony, imposed by the Assembly (1669) and used for the contingent expenses of the government.⁶ The castle duty was three pounds of shot and a half pound of powder for every ton of cargo imported. It was levied in 1632 and until 1680 was paid by the masters of ships to the commander of the Fort at Point Comfort. After 1662 this duty, then known as "treasure" or "port" duty, was one shilling three pence on every ton. After 1680 it was appropriated to the support of the government.⁷

1. Cal. St. P. Col. 1669-1674, #1159
Pruce, Institutional Hist. of Va., II. 590
2. Wm. Blathwayt to Lords of Treasury - Blathwayt's Journal, I. 62
3. Blathwayt's Journal, II. 27, 39, 63, 147, 207, 291; III., 84.
4. Dinwiddie Papers, II. 271
5. Va. Mag. Hist. & Biogr. III. 121
Dinwiddie Papers, I., 389
6. This at first included slaves as well as passengers, as appears in
- Fening II. 134; III. 346.
7. Fening, I., 176, 312; II., 134, 440; III., 341.

... the rights for taking up land, which was a fee of five shillings for every fifty acres, for which a grant was issued; ... a fee of two shillings per acre for each cleared land. All these revenues including the two shillings per hogshead, were estimated by Gorch about 1735, to amount to £5000, and by Dinwiddie in 1755, £6500 annually, and by Fauquier in 1763, at £7000.¹ They were all appropriated to the support of the government and were paid to the receiver-general.

In addition to the revenues already mentioned, there was the quit rent, which was one shilling a year on every fifty acres. Still there was some opposition to this source of revenue and frequent evasion of it, still the collections showed a gradual increase. In 1684, for example, £574 was collected, and in 1703, £1643, and the total paid in quit rents during this period (1684-1703) was £22418. This period, about the middle of the colonial era, seems to be a typical one with reference to the income from the quit rents. In 1703 there was £5743 surplus, which was the largest sum up to that time of this revenue as a surplus. Of this amount £3000 was, by royal order, allotted to the English exchequer.³ During the period (1704-1710) the collections of the quit rents for these six years amounted to £11,000.

1. Va. Mag. Hist. & Biogr. III. 171
Dinwiddie Papers, I. 389
Brit. Mus. King's MSS. 206, 814
2. Blathwayt's Journal, II. 356

3. Ibid. 312
Virginia and New York were the only colonies in which quit rents were accounted for to the crown. - Col. Hist. 11. 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 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1394, 1395, 1396, 1397, 1398, 1399, 1400, 1401, 1402, 1403, 1404, 1405, 1406, 1407, 1408, 1409, 1410, 1411, 1412, 1413, 1414, 1415, 1416, 1417, 1418, 1419, 1420, 1421, 1422, 1423, 1424, 1425, 1426, 1427, 1428, 1429, 1430, 1431, 1432, 1433, 1434, 1435, 1436, 1437, 1438, 1439, 1440, 1441, 1442, 1443, 1444, 1445, 1446, 1447, 1448, 1449, 1450, 1451, 1452, 1453, 1454, 1455, 1456, 1457, 1458, 1459, 1460, 1461, 1462, 1463, 1464, 1465, 1466, 1467, 1468, 1469, 1470, 1471, 1472, 1473, 1474, 1475, 1476, 1477, 1478, 1479, 1480, 1481, 1482, 1483, 1484, 1485, 1486, 1487, 1488, 1489, 1490, 1491, 1492, 1493, 1494, 1495, 1496, 1497, 1498, 1499, 1500, 1501, 1502, 1503, 1504, 1505, 1506, 1507, 1508, 1509, 1510, 1511, 1512, 1513, 1514, 1515, 1516, 1517, 1518, 1519, 1520, 1521, 1522, 1523, 1524, 1525, 1526, 1527, 1528, 1529, 1530, 1531, 1532, 1533, 1534, 1535, 1536, 1537, 1538, 1539, 1540, 1541, 1542, 1543, 1544, 1545, 1546, 1547, 1548, 1549, 1550, 1551, 1552, 1553, 1554, 1555, 1556, 1557, 1558, 1559, 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2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 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rents produced out £1800 a year, and by 1740 the annual was £3500, while in 1781 it was, including some arrears, £10,000.

The relation of the quit rents to the expenses of the colony, and the necessity of occasionally drawing upon this revenue in order to meet the usual expenses of the government, was shown in a letter from Spotswood to the Board of Trade May 30, 1717, requesting an appropriation.

He stated that the two shillings per hog-head revenue lacked £1973, 10 shillings, 4 pence in order to pay the salaries for the preceding year, and the usual expenses amounting to about £3500, while there was £3786, 1 shilling, 4 pence to the credit of the quit rents account.³

There were three officials regularly paid by royal warrant out of the quit rents,- the commissary, the attorney-general, and the solicitor of Virginia affairs; and a fourth, the auditor-general, near the close of the colonial period.

While it was necessary to appropriate on some occasions a part of the income from this revenue for the support of the government of the colony, till the surplus of the quit rents was regularly sent to England.⁴ In addition to the instances cited, might be mentioned the two following, which are indicative of the constant practice of the

1. Blathwayt's Journal, III.84

2. Seinsbury, III. 461.

Jour. House of Burgesses 1756-1758, 513

Jour. Board of Trade, XXV., 215.

3. Spotswood Letters, II.247

4. Blathwayt's Journal, II. 391, 469; III. 64

...
 (1714) was remitted. When a warrant under the sign manual of King (July 19, 1720) the receiver-general was directed to remit bills of exchange £6791- 7 shillings - 7 pence, being the balance due quit rents for 1719, and the surplus.³ When this revenue reached the royal exchequer it was not always considered as a fund held there for the future needs of the colony. The quit rents remitted by Virginia were, for example, on one occasion at least used for service in the West Indies, and on another for paying the chief of seals, for seals made for the colonies in America, and still for purchasing a way through King Street to Parliament House in London, and again for the allowance of £150 a year to the auditor-general of plantations for office expenses. ⁴ Some special service concerning the colony was occasionally paid for out of the quit rents, such as the running of the boundary line between Virginia and North Carolina for which £1000 was appropriated.⁵ No appropriations whatever were to be made from this revenue without royal warrant. A few other instances of special appropriations in addition to the occasional remission of the quit rents for local expenses, was the £1000 appropriated (1714) for aiding the expedition to Canada, the £500 for aiding New York and

1. Jour. Va. Council (1705-1721) 94,96; (1721-1734) 59
 Jour. Va. Council Ex.Session May 3, 1743
 Pinckney Papers, II. 575, 576, 580
 Cal. St. P. Col. (1689-1699) #1479
2. Jour. Va. Council (1705-1721) 226.
3. Ibid. 381
4. Cal. St. P. Treas. Books & Payors (1725-1730) #126, #136, 138
 (1730-1741), 385
5. Jour. Va. Council 1721-1734, 119, 381

...line in the interest of Virginia and the rest of British America furnished the colony.¹

There was a duty of one penny a pound on tobacco exported from Virginia and Maryland to any other American colony, known as the "plantation duty" which was laid by Parliament (1672) and granted by the King in 1692 to William and Mary College, and amounted to about £300 a year.² The duties on skins and furs exported, ranging from three farthings to six pence, which amounted about 1700 to nearly £300 a year, was also appropriated to the support of the College. This, together with Indian wars, however, caused the fur trade to decline so that the annual income from this duty was later not more than about £100.

There was a duty on imported liquors ranging from three to eight pence a gallon appropriated by the Assembly (1684) for the support of the government.⁴ In 1736, £30 was granted out of this revenue annually to William and Mary College, and in 1734 the duty of one penny a gallon or one-fourth of that whole revenue at that time was appropriated to this purpose.⁵

The duty on slaves imported, which was levied by the Assembly (17

1. Col. St. P. Col. 1693-1696, 1683, 1715
Jour. Board of Trade II. 263; III. 274; V. 175
Blithway's Journal, I. 684; II. 561; III. 85
Sainsbury, V. 184
Jour. W. Council, 1705-1721, 138
Col. St. P. Treas. Pap. 1708-1714, 34

2. Hartwell, 141; S. Chilton, 60
Jour. Board of Trade II. 219, 220

3. Beverley-Hist. of V. 214
Publicary, III. 326, 330

4. Hening, III. 23, 24; VI. 471; VII. 14

5. E. I. II. 13, 14; V. 119.

The duties on liquors and slaves were collected by collectors appointed by the governor, and accounted by them with the receiver-general of the colony, and were not paid to the receiver-general who was an appointee. The duties on liquors and slaves both amounted in 1741 to £1,000 a year.²

During the whole colonial period there was more or less smuggling, and smuggling the federal revenues. The secretary of the colony, Thomas Hap, petitioned the king in 1740 to be allowed to go to England in order to answer the objections of those who had been appointed to the revenues of the colony.³ A letter from the Council of Virginia, regarding the frauds in the customs, sent to the Board of Trade in 1738, was referred to the Committee of the House of Commons having charge of such investigations.⁴ The two shillings per head duty was quite often evaded, and the governor was often called upon to prove to the Board and House in the collecting of this revenue.⁵ Masters of ships would sometimes evade this and other duties making false entries as to their lading.⁶ The Council of the Board of Trade sought to remedy this abuse by requiring £500 security of every

1. Hening, III. 193; IV. 317; V. 28; VI. 419; VII. 338; VIII. 137; IX. 32.
 2. Of the £400 collected for the years 1701-1702, £1000 was collected for the king, and the remainder for the governor's house. - H. R. I. I. 1.
 3. H. R. I. I. 1, 4.
 4. J. R. I. I. of Trade VIII, 38.
 5. H. R. I. I. of Trade VIII, 48.
 6. J. R. I. I. of Trade VIII, 1.
 7. H. R. I. I. of Trade VIII, 1.
 8. H. R. I. I. of Trade VIII, 1.

... to the Board of Trade ...
 in good condition and increasing in value. Dinwiddie ...
 that there were about a million acres of land which were held by ...
 in colonists, but on which no quit rents had been paid. This
 statement was, no doubt, made largely to justify his action in ...
 raising the pistole fee.³ Liquors and other imports were often
 smuggled into the colony to avoid duty.⁴ Not only the planters
 and masters of ships, but also the revenue officials were sometimes
 guilty of defrauding the government by permitting the frauds in the
 customs, and even themselves evading the duties.⁵

When the matter of the frauds in the customs was under discussion
 in the House of Commons, the Commissioners of the Customs stated in
 1733 that the total amount of such evasion was about £30000 or
 £40000 a year. This, however, included not only all the colonies,
 but also all the frauds connected with the regular British im-
 ports.⁶ It would be difficult to ascertain the exact amount of the
 evasion of the revenue duties in Virginia alone.

In the instructions to the governors from Nicholson (1700) to
 Burnmore (1771) special mention was made of the frauds in the customs

1. Sainsbury 1691-1697, 350
 Jour. Va. Council, 1721-1734, 414
 Jour. Board of Trade, X. 266
 Cal. St. P. Col. 1621-1685, #203

2. Jour. Board of Trade XXXI. 152

3. Dinwiddie Papers, II. 363, 370, 374, 410.

4. Jour. Va. Council, 1720-1721, 202

5. Spotwood Letters. I. 103; II. 176

6. House of Commons, Journals, 1733, 1734, 1735, 1736, 1737, 1738, 1739, 1740, 1741, 1742, 1743, 1744, 1745, 1746, 1747, 1748, 1749, 1750, 1751, 1752, 1753, 1754, 1755, 1756, 1757, 1758, 1759, 1760, 1761, 1762, 1763, 1764, 1765, 1766, 1767, 1768, 1769, 1770, 1771, 1772, 1773, 1774, 1775, 1776, 1777, 1778, 1779, 1780, 1781, 1782, 1783, 1784, 1785, 1786, 1787, 1788, 1789, 1790, 1791, 1792, 1793, 1794, 1795, 1796, 1797, 1798, 1799, 1800, 1801, 1802, 1803, 1804, 1805, 1806, 1807, 1808, 1809, 1810, 1811, 1812, 1813, 1814, 1815, 1816, 1817, 1818, 1819, 1820, 1821, 1822, 1823, 1824, 1825, 1826, 1827, 1828, 1829, 1830, 1831, 1832, 1833, 1834, 1835, 1836, 1837, 1838, 1839, 1840, 1841, 1842, 1843, 1844, 1845, 1846, 1847, 1848, 1849, 1850, 1851, 1852, 1853, 1854, 1855, 1856, 1857, 1858, 1859, 1860, 1861, 1862, 1863, 1864, 1865, 1866, 1867, 1868, 1869, 1870, 1871, 1872, 1873, 1874, 1875, 1876, 1877, 1878, 1879, 1880, 1881, 1882, 1883, 1884, 1885, 1886, 1887, 1888, 1889, 1890, 1891, 1892, 1893, 1894, 1895, 1896, 1897, 1898, 1899, 1900, 1901, 1902, 1903, 1904, 1905, 1906, 1907, 1908, 1909, 1910, 1911, 1912, 1913, 1914, 1915, 1916, 1917, 1918, 1919, 1920, 1921, 1922, 1923, 1924, 1925, 1926, 1927, 1928, 1929, 1930, 1931, 1932, 1933, 1934, 1935, 1936, 1937, 1938, 1939, 1940, 1941, 1942, 1943, 1944, 1945, 1946, 1947, 1948, 1949, 1950, 1951, 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959, 1960, 1961, 1962, 1963, 1964, 1965, 1966, 1967, 1968, 1969, 1970, 1971, 1972, 1973, 1974, 1975, 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 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2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 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3555, 3556, 3557, 3558, 3559, 3560, 3561, 3562, 3563, 3564, 3565, 3566, 3567, 3568, 3569, 3570, 3571, 3572, 3573, 3574, 3575, 3576, 3577, 3578, 3579, 3580, 3581, 3582, 3583, 3584, 3585, 3586, 3587, 3588, 3589, 3590, 3591, 3592, 3593, 3594, 3595, 3596, 3597, 3598, 3599, 3600, 3601, 3602, 3603, 3604, 3605, 3606, 3607, 3608, 3609, 3610, 3611, 3612, 3613, 3614, 3615, 3616, 3617, 3618, 3619, 3620, 3621, 3622, 3623, 3624, 3625, 3626, 3627, 3628, 3629, 3630, 3631, 3632, 3633, 3634, 3635, 3636, 3637, 3638, 3639, 3640, 3641, 3642, 3643, 3644, 3645, 3646, 3647, 364

which cases "must needs arise either from the insubordination of the
 who are accepted for security, or from the remissness or corruption
 of such as have been or are governors in the several plantations.
 This clause, while evidently intended to apply to all the British
 plantations, also had reference to Virginia and was, therefore, in-
 cluded in the above instructions. While it was specified that the
 governor was perhaps partly responsible for this condition of af-
 fairs, and that should he fail to endeavor to prevent a continuance
 thereof, his petition would be forfeited, still no governor of Virginia
 was removed for this offence.

There were three methods of raising money in the colony, - by the duties upon trade, the tax on land (quit rents), and a poll tax.¹ In addition to the customs duties, the duty on slaves and the quit rents, the colonists paid the usual levies for maintaining the government. As has been stated the duty of two shillings per hogshhead on exported tobacco was one of the principal sources of revenue, and was appropriated for the use of the government of the colony, in paying the salaries of the governor and his other officials, and for contingent charges. There was also a public levy laid by the House of Burgesses every session through the Committee of Claims, to which all public claims were referred. The public levy was used for the expenses of the meeting of the assembly, paying the militia and the expenses of wars, the erection of the Capitol, the execution of criminals, the capture of runaway servants and slaves, and all such public claims.² The public levy was, therefore, not uniform, but varied from year to year.³ In addition to the annual public levy in 1645-1647 a tax of 100 pounds of tobacco on property (land and cattle) to meet the expense of an expedition against the Indians.⁴ And on another occasion (1755-1764) when the preparation for the French and Indian War was

1. Thus the system of taxation in Virginia was quite similar to that in England, where there was a poll tax, a land tax, and customs duties.

2. Webb- Justice of the Peace Bill
Hartwell, Blair & Chilton 54
Hollings, III. 25

3. In 1684 to 1775 the annual public levy was \$1,000.
Hollings, III. 25. The annual public levy was \$1,000.
Hollings, III. 25.

4. Hollings, III. 25.

the justices of the peace, and used for the payment of the county debts, such as the building and the repairing of the courthouse, the prison, the bridges, and ferry-boats; the cost of the poor's wages, and especially until 1750 the largest obligation, the wages to the two burgesses for their transportation to the capital and expenses while attending the Assembly. The total expenses of the county were usually computed by the justices of the peace and divided equally among the withalies of the county. 2

There was also a parish levy laid annually by the vestry of each parish for the payment of all parish debts, such as the erection of churches, the minister's salary, the clerk, the care of the poor, and any other parish expenses.³ As the public and county levies, so the parish levy also varied from time to time. The church warden, under the supervision of the collection of this levy, usually got the sheriff, who also collected the public and county levies, to act for him.⁴

Those included among the tithables of the colony were all

2. This special poll tax ranged from one to four shillings on every white male, 1s.3d. to 4s. on every 100 acres of land in a parish, to 40s. on every 1000 acres, 1s. on every negro or Indian slave.
- Henning, VI: 411, 521; VII. 77, 174, 256, 349, 359, 497.

1. Noel Hall, Blair & Chilton, 14
1903, Justice of the Peace, All
England, IV. 279, 369.

1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100. 101. 102. 103. 104. 105. 106. 107. 108. 109. 110. 111. 112. 113. 114. 115. 116. 117. 118. 119. 120. 121. 122. 123. 124. 125. 126. 127. 128. 129. 130. 131. 132. 133. 134. 135. 136. 137. 138. 139. 140. 141. 142. 143. 144. 145. 146. 147. 148. 149. 150. 151. 152. 153. 154. 155. 156. 157. 158. 159. 160. 161. 162. 163. 164. 165. 166. 167. 168. 169. 170. 171. 172. 173. 174. 175. 176. 177. 178. 179. 180. 181. 182. 183. 184. 185. 186. 187. 188. 189. 190. 191. 192. 193. 194. 195. 196. 197. 198. 199. 200. 201. 202. 203. 204. 205. 206. 207. 208. 209. 210. 211. 212. 213. 214. 215. 216. 217. 218. 219. 220. 221. 222. 223. 224. 225. 226. 227. 228. 229. 230. 231. 232. 233. 234. 235. 236. 237. 238. 239. 240. 241. 242. 243. 244. 245. 246. 247. 248. 249. 250. 251. 252. 253. 254. 255. 256. 257. 258. 259. 260. 261. 262. 263. 264. 265. 266. 267. 268. 269. 270. 271. 272. 273. 274. 275. 276. 277. 278. 279. 280. 281. 282. 283. 284. 285. 286. 287. 288. 289. 290. 291. 292. 293. 294. 295. 296. 297. 298. 299. 300. 301. 302. 303. 304. 305. 306. 307. 308. 309. 310. 311. 312. 313. 314. 315. 316. 317. 318. 319. 320. 321. 322. 323. 324. 325. 326. 327. 328. 329. 330. 331. 332. 333. 334. 335. 336. 337. 338. 339. 340. 341. 342. 343. 344. 345. 346. 347. 348. 349. 350. 351. 352. 353. 354. 355. 356. 357. 358. 359. 360. 361. 362. 363. 364. 365. 366. 367. 368. 369. 370. 371. 372. 373. 374. 375. 376. 377. 378. 379. 380. 381. 382. 383. 384. 385. 386. 387. 388. 389. 390. 391. 392. 393. 394. 395. 396. 397. 398. 399. 400. 401. 402. 403. 404. 405. 406. 407. 408. 409. 410. 411. 412. 413. 414. 415. 416. 417. 418. 419. 420. 421. 422. 423. 424. 425. 426. 427. 428. 429. 430. 431. 432. 433. 434. 435. 436. 437. 438. 439. 440. 441. 442. 443. 444. 445. 446. 447. 448. 449. 450. 451. 452. 453. 454. 455. 456. 457. 458. 459. 460. 461. 462. 463. 464. 465. 466. 467. 468. 469. 470. 471. 472. 473. 474. 475. 476. 477. 478. 479. 480. 481. 482. 483. 484. 485. 486. 487. 488. 489. 490. 491. 492. 493. 494. 495. 496. 497. 498. 499. 500. 501. 502. 503. 504. 505. 506. 507. 508. 509. 510. 511. 512. 513. 514. 515. 516. 517. 518. 519. 520. 521. 522. 523. 524. 525. 526. 527. 528. 529. 530. 531. 532. 533. 534. 535. 536. 537. 538. 539. 540. 541. 542. 543. 544. 545. 546. 547. 548. 549. 550. 551. 552. 553. 554. 555. 556. 557. 558. 559. 560. 561. 562. 563. 564. 565. 566. 567. 568. 569. 570. 571. 572. 573. 574. 575. 576. 577. 578. 579. 580. 581. 582. 583. 584. 585. 586. 587. 588. 589. 590. 591. 592. 593. 594. 595. 596. 597. 598. 599. 600. 601. 602. 603. 604. 605. 606. 607. 608. 609. 610. 611. 612. 613. 614. 615. 616. 617. 618. 619. 620. 621. 622. 623. 624. 625. 626. 627. 628. 629. 630. 631. 632. 633. 634. 635. 636. 637. 638. 639. 640. 641. 642. 643. 644. 645. 646. 647. 648. 649. 650. 651. 652. 653. 654. 655. 656. 657. 658. 659. 660. 661. 662. 663. 664. 665. 666. 667. 668. 669. 670. 671. 672. 673. 674. 675. 676. 677. 678. 679. 680. 681. 682. 683. 684. 685. 686. 687. 688. 689. 690. 691. 692. 693. 694. 695. 696. 697. 698. 699. 700. 701. 702. 703. 704. 705. 706. 707. 708. 709. 710. 711. 712. 713. 714. 715. 716. 717. 718. 719. 720. 721. 722. 723. 724. 725. 726. 727. 728. 729. 730. 731. 732. 733. 734. 735. 736. 737. 738. 739. 740. 741. 742. 743. 744. 745. 746. 747. 748. 749. 750. 751. 752. 753. 754. 755. 756. 757. 758. 759. 760. 761. 762. 763. 764. 765. 766. 767. 768. 769. 770. 771. 772. 773. 774. 775. 776. 777. 778. 779. 780. 781. 782. 783. 784. 785. 786. 787. 788. 789. 790. 791. 792. 793. 794. 795. 796. 797. 798. 799. 800. 801. 802. 803. 804. 805. 806. 807. 808. 809. 810. 811. 812. 813. 814. 815. 816. 817. 818. 819. 820. 821. 822. 823. 824. 825. 826. 827. 828. 829. 830. 831. 832. 833. 834. 835. 836. 837. 838. 839. 840. 84

The... difficulty... the... colonial export trade to England, which was mainly... of there being, especially in the earlier part of the... century, no officials in any of the colonies, except in... In 1627 and again in 1628 the governor of Virginia... instructed by the home government to take security from the... of ships that all tobacco would be shipped to London. In order... prevent the direct shipment of tobacco to foreign countries... there was instituted in Virginia in 1631, the system of requiring... lands that tobacco and other products would be landed at London. By 1636, the governor was instructed by the king to appoint an officer to keep a register of all exports from the colony, and to forward copies thereof to the Lord Treasurer. The General Assembly upon receipt of this instruction, created the office and granted to the... a fee of two pence on every hogshead of tobacco exported, paid by the masters of ships, and also certain fees for other products. Richard Kemp, secretary of the colony, was appointed to the office by the governor, but Jerome Harley was about the same time appointed by the British Government as treasurer of Virginia, whose main duty was to collect the quit rents. He was also authorized to keep the register of the exports of the colony. In the...

1. In 1664, in order to prevent the cultivation of tobacco in... also the illegal importation of it into English ports, a regulation was issued that all colonial tobacco was to be shipped to London.

Feier-Origins of British Colonial System, 191 - 193

1. In...
2. In...

When Kemp's Hawley died, the royal appointee, Hawley, was successful. Until the death of Hawley, which occurred soon thereafter, Kemp was allowed to resume his duties as register.

This was the first colonial customs office established for imperial purposes.¹ Although this office was established by the Virginia Assembly, still it was in consequence of an order from the king that the governor make the appointment. Jerome Hawley was appointed by the king and was the first of that large number of royal customs officials who somewhat later were concerned with the administration of the colonies.² The office of register was the direct predecessor of the collectors, naval officers, and other customs officials of the period following the Restoration, and the copies of the register, forwarded to the Lord Treasurer, were the forerunner of the "Naval office lists", which after about 1700, were sent quite regularly to England.³

By 1673, the official who had the supervision of the royal customs in the colony was designated as "collector", and his assistant as "surveyor."⁴ There were by 1699, eight collectors, which number was, however, soon reduced to six, and so remained. The assistant to the collector was after about that date, whenever there was one, usually

1. Peer- Origins of British Colonial System, 208.

2. Ibid.

3. Ibid. 207, 208, Note
Hartwell, Blair & Chilton, 60.

4. Cal. St. P. Treas. Books, IV (1672-1675) 427, 437, 456

referred to as "assembly".

The first "collectors" were appointed by and responsible to the Assembly, and were for the purpose of receiving the two shillings per hogshead duty on exported tobacco, laid in March 1668.¹ This act was intended to remain in force one year only, and was repealed at the expiration of that time.² In March 1662, this duty was re-established, and as formerly the collectors were appointed by and accountable to the Assembly.³ This was after the Restoration, still, as in the case of the former act, the Assembly had the appointing and general supervision of these officials. There was no mention of the commissioners of customs in this act. By August 25, 1669, however, the farmers of the customs appointed Edward Diggs to have charge of the revenues, and to correct abuses in the customs.⁴ He it seems was the first royal customs official in the colony, and was referred to as the "collector of Virginia," and had a salary of £250 a year, payable by the receiver-general of customs.⁵ The collectors formerly appointed by the Assembly, were also soon made royal officials.

The collectors⁶ were appointed by the commissioners of the customs, under the authority of the Lords of the Treasury, according

1. Hening, I. 491. This was near the close of the Commonwealth period.

2. Ibid. 523

3. Ibid. II. 130

4. Cal. St. P. Col. 1669-1674, #104

Cal. St. P. Treas. Books, III. Part 2 (1669-1672) 1126

5. Ibid. IV. (1672-1675) 427

6. Not to be confused with the collectors of the duties on skins and furs, on liquors, and on servants and slaves, appointed by the governor; and the collectors of the six pence rent from screen's wages for the royal hospital at Greenwich, appointed by commissioners in England for this purpose.

Commissioner to go to N. C., was done by the Virginia
Council, upon the approval of the Lords of the Treasury.²
The surveyor-general of customs acting under instructions from the
commissioners of customs, had general supervision of the collectors,
and examined their accounts, and issued instructions to them³, and
might suspend them, subject of course to the approval of those com-
missioners.

The Governor administered the oath of office to collectors and
was to see that they obeyed the instructions of the commissioners of
customs, and in case of emergency might make a temporary appointment.
He was empowered to "immediately remove" any collector guilty of
neglect, and to "appoint a fit person in his stead", and to nomi-

1. Col. St. P. Treas. Books, IV. (1677-1678) 456
Jour. Va. Council (1698-1703) 25
Part ell, Blair & Chilton, 33
Col. St. P. Treas. Books & Papers (1731-1734) 398, 524
Beverley, Hist. of Va., 198
Brit. Mus. King's MSS. #206, 498
2. Jour. Va. Council (1705-1721) 60
Col. St. P. Treas. Books & Papers (1731-1734) 398
Col. St. P. Col. (1675-1676) #698
Bainbridge, III. 619
The commissioners of customs were appointed
1663, soon after the first Navigation Act went into effect. The
principal agents of these commissioners in Virginia, were the col-
lectors and the surveyor-general of customs for the Southern Dis-
trict of America.
3. Jour. Va. Council (1698-1703) 147
Brit. Mus. Addit. MS. #828
The collectors' accounts of the duty on tobacco shipped from one colony to another, were
examined by officials of William & Mary College, which made
up this revenue. After their examination the accounts were
forwarded to the commissioners of customs. - Col. St. P. Col. 1675-1676, 698
4. Jour. Va. Council (1698-1703) 25, 140; (1705-1721) 60
Col. St. P. Col. 1675-1676, 698

... from 1689 to 1700, ...
 ... found, ...
 ... with pirates by collectors, both before and after ...
 ... members of the Council were prohibited from holding collectorships ...
 ... In the clause in the instructions after 1689, directing the ...
 ... to see that no member of the Council served in these offices, ...
 ... also specified that "persons much concerned in trade" were ex-
 ... cluded.

The collectors were not, at first, permitted to have deputies,
 but owing to the distance which some of them lived from the ports,
 it was deemed advisable to grant their request in this regard, and they
 were empowered to appoint them, subject to the approval of the Council.²
 The granting of this privilege was not conducive to the
 interests of the revenue, for according to a contemporary authority,
 the revenue from the two shillings per hoghead was not so large
 on account of the collectors living away from the ports and trusting
 to "unsworn deputies", and they in turn to "unsworn masters of ships"
 and exporters.³ Owing to the fraud and neglect in collecting
 this duty, the governors from Hott (1706) to Burnmore (1771) were di-
 rected to refuse to allow collectors to have deputies, except in
 cases of absolute necessity, and in such cases to require the deputies as
 well as the collectors to take a solemn oath for the due execution

1. Col. St. P. Col. (1689-1692) #2199, #2284, #2995
 Col. St. P. Treas. (1689-1692) 359, 360, #3177;
 (1693-1696) #1610; (1714-1719) 481.
 Henning, III. 232; v. 179; VI. 94

2. Col. St. P. Col. (1689-1692) #3317, #2334; (1693-1696) #1610
 Henning, III. 232
 Henning, III. 232

3. Henning, III. 232; v. 179; VI. 94

on exported tobacco, the fifteen pence per ton on ships, and the one penny per ton on goods brought to the colony, the one penny per ton on tobacco shipped from Virginia to any other American colony. They were to endeavor to prevent illegal trade, and as far as possible aid in the capturing of runaway servants and slaves.³ The collectors were in some cases appointed by the governor and Council as justices of the peace, in order that they might detect illegal trade and prohibited goods, and they also executed the office of notary in all matters relating to maritime affairs.³ The passes sent by the Admiralty for the protection of ships from seizure, were furnished captains of ships by the collectors. Owing to several complaints the collectors and other customs officers were after 1728, according to the governor's instructions, exempted from serving on juries, or in judicial offices, or in the military service, unless absolutely necessary as the execution of their duties was thereby hindered.⁴

The collectors were at first paid only in fees, but later had each a salary out of the British Treasury of from £40 to £100, according to the importance of their districts, and moreover twenty per cent.

1. Colonial Office Papers, Class B. Brit. Transcripts MS. Div. 1.1.1. on the Mess. Hist. Soc. Coll. 4th ser. X. 645
2. Jour. Board of Trade X. 219, 220
Col. St. P. Trans. (1720-1728) 97
Col. St. P. Col. (1693-1696) 1746; (1696-1697) 2090
Halling, III.-23; IV.-145; VI. 96
Hartwell, Blair & Milson. 36, 41
3. Jour. W. Council (1693-1703) 83, 211; (1711-1724) 15
Col. St. P. Col. (1693) 431
4. Colonial Office Papers, Class B. Brit. Transcripts MS. Div. 1.1.1. on the Mess. Hist. Soc. Coll. 4th ser. X. 645

... pounds, 18 shillings, 7 pence.² A table of all fees was exhibited for information of the public. For the first offence of paying excessive fees, £100 fine was imposed, and for the second, forfeiture of commission.

The collectors swore to their accounts before the auditor or receiver-general, and the Governor in Council, by whom they were passed on quarterly to the auditor-general, and the commissioners of customs, and finally examined by the comptroller-general of the accounts of the royal customs.³ It was by order of the commission of customs that the collectors paid to William and Mary College the revenue arising from the duty of one penny per pound on tobacco exported to other American colonies.⁴ Any complaint against a collector by a London merchant or others, for his being concerned in trade or guilty of fraud, was reported to the Board of Trade, and by that board

1. *Pinckney Papers*, II. 597, note.
Beverly, *Hist. of Va.*, 198
Brit. Mus. King's MSS. #208, 496
British. Mus. Addit. MSS. #8831, 122
- For entering and clearing a ship of 10 tons, 10 shillings; 50 to 100 tons, 18 shillings; 100 tons or more, £1.
Half of these fees only were charged on vessels owned by British subjects.
No fees were charged on vessels bringing sporting goods from one district to another in the colony. For a plantation bond £s. 6d.
a certificate of duties paid £s. 6d.
- *Wells, Jurisdiction of the People*, 302.
2. *Barbours' Journal*, II. 469.
3. *Jour. of the Council* (1691-1733) 78; (1734-1764) 109
Revised, III. 132
Col. St. P. Col. (1691-1733) 78; (1734-1764) 109
(1691-1733) 109; (1734-1764) 109
4. *Jour. of the Council* (1691-1733) 78; (1734-1764) 109
Col. St. P. Col. (1691-1733) 78; (1734-1764) 109

... to render some account of their collections, and were
... charged with having misappropriated these funds.²

The surveyor-general of customs in a letter to the Council of Trade (November 1700) showed how it was possible for collectors to evade the custom laws. He stated that it had been the practice of former collectors who were large planters, and had one-half of the duty on tobacco carried from Virginia and Maryland to other colonies, to abate the masters of ships about one third of their own half, provided they would purchase their whole loading from them. The "short entries" made on the collectors' books, were connived at by those concerned, as was on one occasion indicated by the collector's books on the James River, the Potomac River in Virginia and in Maryland.³

The requiring of the collectors to furnish the commissioners of customs with a list of all vessels owned by the colonists, was to prevent the collectors from owning trading ships, as well as to keep the commissioners informed in regard to the trade of the colony. In late 1762, an act was passed by the Assembly for "preventing fraud in the customs", the preamble of which was, "Whereas it is almost impossible to detect officers who charge greater fees than by the act of Assembly are allowed." The collectors and naval officers were, therefore, required to furnish receipts for all fees paid them under penalty of £10 for every neglect.⁴

1. Jour. Board of Trade, XVII. 300

2. W. M. & H. M. R. 17. 14, 149, 170, 216-170; III. 171

3. W. M. & H. M. R. 1710-1711

4. W. M. & H. M. R. 1711.

1. J. draws; 2010, 1:1 (414-407) n. e. r., 53

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any law, to secure the same in sick sailors.³ They
the office of notary public as to what related to maritime law.

It is of interest to note that the French and Spanish
sent to Virginia from Carolina, on one occasion were placed in
of the naval officers to be disposed of in any way they thought
for the good of the country.³

Naval officers reported to the attorney-general, the naviga-
tion bonds and any others relating to trade taken by them, in
that he could prosecute those giving them as soon as they were
received.⁴ The naval officers could with the approval of the Council
appoint deputies.⁵ They swore to their accounts before the governor
and Council, after having them passed on by the attorney-general
and Council, by whom they were sent to the Board of Trade and Council
of the colony.⁶ Owing to the distance of certain naval officers (in
the district and Eastern Shore) and on account of sickness of
at certain times they were allowed to make oath before a justice
of the peace as to the truthfulness of their accounts, and to send them
to the governor and Council, but once they had to settle.

1. Jour. of Va. Council, 17 (1705-1721), 36

2. Col. of Va. P. Col. 1698, 1700

3. Jour. of Va. Council (1705-1721), 63

4. Col. of Va. P. Col. 1700, 114

5. Jour. of Va. Council, 1705-1721, 37.

6. Col. of Va. P. Col. (1698-1703), 1700

(1698-1703)

7. Jour. of Va. Council, 1705-1721, 37.

THE COLLECTORS OF THE DUTIES ON THE IMPORTATION OF LIQUOR

The collectors of the duties on the importation of liquor were, however, not of these duties were the duties on the importation of spirits, liquors, wines, or beer. They were appointed in April and October with the treasurer of the colony, and were allowed per, diem, for their services. They were stationed near the ports of the colony, and were assisted with the duties on the importation of liquor until it had been imported. They were also allowed to be employed in the collection of the duties on the importation of liquor which the duties had not been paid.¹ By 1734, on account of the evasion of these duties by the importing of liquor from the adjacent colonies, special collectors were appointed for the charge of collecting the duties on the importation of liquor, and the same authority was given under the same regulations to the collectors of the duties on the importation of liquor.²

The granting of a part of the duties on the importation of liquor, which was collected by the collectors of the duties on the importation of liquor, was also true in regard to the payment of one penny a pound on tobacco, which was collected by the collectors. When this duty was granted in 1698 to the collectors, the collectors continued to receive it.³

¹ The duties on the importation of liquor were collected by the collectors of the duties on the importation of liquor, and the same authority was given under the same regulations to the collectors of the duties on the importation of liquor.

² The duties on the importation of liquor were collected by the collectors of the duties on the importation of liquor, and the same authority was given under the same regulations to the collectors of the duties on the importation of liquor.

³ The duties on the importation of liquor were collected by the collectors of the duties on the importation of liquor, and the same authority was given under the same regulations to the collectors of the duties on the importation of liquor.

Slave Collectors

The collector of the duty on the sale of slaves was appointed by the governor and accounted with the treasurer of the colony, the sum returned to the Assembly. These collectors were allowed 10 per cent. for their services. When the duty was changed to 10 per cent. on the purchase price of each slave, there was appointed one collector for every district in the colony.¹ By 1731 every seller of slaves was constituted a collector, and the royal collectors were dispensed with. In most cases the importation of slaves was by water, but by this time some were brought into the colony by land, and those receiving them were required to pay the fee. Should a person not a resident of the colony wish to obtain the sale, he was required to pay the fee to the naval officer, whether they were imported by water or by land. Later, however, the seller was required to receive this fee also, and to account with the treasurer.²

As the purchaser was allowed forty days in which to pay the balance of the purchase money, the seller was required to furnish the agent with the receipt of each sale with the name of the purchaser and the price of the slave. The treasurer, thereupon, delivered this receipt to the sheriff of the county in which the sale occurred, for the fee. After 1752, the seller, the treasurer, and the sheriff usually took the place of the former collectors.³ By 1761,

¹ H. R. 1731, III. 193; IV. 317, 371.
² H. R. 1731, V. 13.
³ H. R. 1731, VI. 17.
⁴ H. R. 1731, VII. 113.

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1888
The following are the names of the
persons who have been
admitted to the
membership of the
Society since the
last meeting.

 

[illegible]

In 1793, in addition to these collectors at the ports, there were collectors of this revenue stationed on the frontier. These additional collectors accounted with the treasurer and received 10 per cent. for their services. They were empowered to grant licenses to traders and to take bond and security of them as to their compliance with the laws relating to the Indian trade.

III. 22-23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855,

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The first of these is the fact that the
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... In 1705, ...
... In 1705, ...
... to the ...
... the death of William Byrd (I.) ...
... appointed auditor, and William Byrd (II.) ...
... general.²

The receiver-generalship was a royal appointment, and ...
... his position, for many years held his commission under the ...
... of the king, or the signatures of the Lords of the Treasury ...
... By 1765, he was one of the few ...
... the colony, and held his commission under the great seal.³

The receiver-general gave a bond for £6000 to the Lords of the ...
... with either a British merchant or some man of means in ...
... security,⁴ and was also required to furnish another bond ...
... security to the governor.⁵

He acted as a liaison between the Lords of the Treasury and the ...
... and submitted to their approval the ...
... to serve during his absence.⁶ By 1765 he had ...

1. *Wm. Byrd, Hist. & Biogr.* IV, 63.

2. *Washington's Journal*, I, 378.
3. *Ann. of Va. Council 1705-1731*, 3-4, 99.
4. *Writings of Colonel William Byrd*, intro. 11.

5. *Wm. Byrd's Hist.*, 1705, 493.
6. *Washington's Journal*, II, 403; III, 341.
7. *Ann. of Va. Council 1731-1771*, 30, 60.
8. *Wm. Byrd's Hist.*, I, 390.

9. *Ann. of Va. Council 1731-1771*, intro. 4; 1731-1732, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100.

There were three surveyors-general for America and the adjacent islands, who were first appointed about 1690, one for the Northern district, another for the Southern district, and the third for certain British island possessions. In the Southern district were included Pennsylvania, Maryland, Virginia, North Carolina, South Carolina, the Bahama Islands, and Jamaica.¹ These surveyors-general were appointed by the commissioners of customs and received their instructions from them.²

The surveyor-general for the Southern district was a member of the Council in Virginia, South Carolina, and Jamaica³, and up to 1731, was granted all the privileges of a councillor, but after that date was to be considered an extraordinary councillor only, unless admitted to these privileges by the crown.⁴ The Council of Virginia refused to allow Robert Dinwiddie, appointed in 1741, to act with them in a legislative or judicial capacity, and appealed to the king to have his instructions so changed as to accomplish their desire. It was, however, decided by the Privy Council, after consultation with the Board of Trade, that the royal order must be obeyed, and that Dinwiddie was to sit and vote in the Upper House of the Assembly, and to serve as judge in the General Court and the court of oyer

1. Plantations General XI. H.44, Aug. 8, 1733
Col. St. P. Treas. Books & Papers (1731-1734) 93, 204, 456
Sainsbury (1720-1730) 428

2. Jour. of Va. Council (1698-1703) 147
Brit. Mus. King's MSS. #205,493

3. Jour. of Va. Council (1703-1711) #19; (1711-1734) 150, 253
Jour. of Board of Trade, XXIX. 29-30

4. Sainsbury (1703-1730) 145-146
Acts of Privy Council (Colonial) (1711-1730) #77.

The surveyor-general was a Revenue officer and was, in 1705, under the authority of the Lords of the Treasury as well as of the commissioners of customs, and was required to secure from either the Lords of the Treasury or the commissioners, permission to go to England.² His reports were usually sent to the Board of Trade in addition to being forwarded to the Treasury and to the Custom House.³ Before the one penny a pound duty on tobacco sent from one American colony to another was granted to William and Mary College, he had especial supervision of this revenue.⁴

As the representative of the commissioners of customs he issued instructions to the revenue officers of the colony, and was empowered to appoint and remove the collectors of import and export duties, and his action in this regard could not be questioned by the governor or Council.⁵ In the absence of the surveyor-general, the governor, however, might make a temporary appointment to a vacant collectorship. He was on some occasions consulted by the governor as to the appointment of certain officers whose duties included revenue and trade.⁶ He was, in fact, empowered to make an appointment

1. Jour. Board of Trade, II. 22
Acts of Privy Council (Colonial) 1720-1745, #537
2. Plantations General, XVIII. 213
3. Ibid. XIX. 281; XX. 333
4. Jour. Board of Trade, X. 219
5. Jour. of Va. Council (1705-1721) 249
Gainsbury, (1715-1720) 442 - Instructions to Earl of Orkney, 1715, 1716, 1717, 1718, 1719, 1720, 1721, 1722, 1723, 1724, 1725, 1726, 1727, 1728, 1729, 1730, 1731, 1732, 1733, 1734, 1735, 1736, 1737, 1738, 1739, 1740, 1741, 1742, 1743, 1744, 1745, 1746, 1747, 1748, 1749, 1750, 1751, 1752, 1753, 1754, 1755, 1756, 1757, 1758, 1759, 1760, 1761, 1762, 1763, 1764, 1765, 1766, 1767, 1768, 1769, 1770, 1771, 1772, 1773, 1774, 1775, 1776, 1777, 1778, 1779, 1780, 1781, 1782, 1783, 1784, 1785, 1786, 1787, 1788, 1789, 1790, 1791, 1792, 1793, 1794, 1795, 1796, 1797, 1798, 1799, 1800, 1801, 1802, 1803, 1804, 1805, 1806, 1807, 1808, 1809, 1810, 1811, 1812, 1813, 1814, 1815, 1816, 1817, 1818, 1819, 1820, 1821, 1822, 1823, 1824, 1825, 1826, 1827, 1828, 1829, 1830, 1831, 1832, 1833, 1834, 1835, 1836, 1837, 1838, 1839, 1840, 1841, 1842, 1843, 1844, 1845, 1846, 1847, 1848, 1849, 1850, 1851, 1852, 1853, 1854, 1855, 1856, 1857, 1858, 1859, 1860, 1861, 1862, 1863, 1864, 1865, 1866, 1867, 1868, 1869, 1870, 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2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 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... and to the Lords of the Treasury.

He rendered the home government valuable service in examining the books and accounts of revenue officers, and in securing debts owed to that government by the collectors or others.¹ He explained, sometimes personally, to the Board of Trade the grounds upon which certain complaints were made to them in regard to laws affecting trade and revenue, gave the reasons for complaints against the governor, and furnished information on general colonial conditions.² His most valuable service was, perhaps, that of detecting and to some extent preventing piracy and illegal trade, and forwarding to the commissioners of customs lists of ships, and an account of goods forfeited to the king for the violation of the acts of Parliament regarding trade.³ Since the matters brought to the attention of the court of vice-admiralty, affected trade and revenue, the names of those appointed to the admiralty courts were referred to him.⁴

His salary, which was paid out of the customs, was by 1763, £600 sterling per annum.⁵

1705-1721

1. Jour. Va. Council, 118, 120; (1698-1703) 147
Cal. St. P. Col. (1689-1692) #2295; 1700, #906
2. Jour. Va. Council (1698-1703) 146
Winsbury (1606-1740) 90, 106
3. Plantations General IV. (1) 5, 6.
V. (2) - Nov. 5, 1700; Feb. 13, 1701; Nov. 17, 1709
XXXI. 33
4. Plantations General, IV. 5^(v) 7.
5. Fraquier to Board of Trade, Brit. Mus. King's MSS. #206, 490.

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- 1. ... Books & Papers (1730-1741) 17
- ... 507 (1807)
- ... 406.

TREASURER.

The office of treasurer was one of the very earliest in the colony. Before 1624 the treasurer was appointed by the London Company, and from 1624 to 1691, by the king, his commission bearing the royal sign manual,¹ but from April 1691 he was appointed by the Assembly.² In case of emergency, however, the governor was empowered to make a temporary appointment until the next meeting of the Assembly.³ Before about 1699, he was usually a member of the Council, but after that date his interests were with the burgesses.

The treasurer was after 1691, practically the agent of the House of Burgesses, and the representatives of the people were very jealous of keeping entire control of this office. He was independent of the auditor and the receiver-general, who were appointees of the crown. For a period of fourteen years (1677-1691), however, the office of treasurer was from motives of economy, united by the governor and Council with that of the auditor.⁴ In the early part of the seventeenth century, and as late as 1664, the duties afterwards assigned the auditor and receiver-general, such as receiving quit rents and other royal fees and profits, were performed by the treasurer in addition to the usual services rendered by him. From 1691 he was the appointee of the House of Burgesses, and for a period of ----

1. Stanard - Colonial Va. Register, 7
Cal.St.P.Col. (1675-1676) #346; (1677-1680) #320, #377, #738
Va. Mag. Hist. & Biogr. XIV. 267
2. Hening, III. 92; V. 64; VIII. 216
Brit. Mus. King's MSS. 1205, 509
Cal.St. P. Col. (1689-1692) #2284
Stanard- Colonial Va. Register, 42, 43, 45.
3. Hening, III. 198; VIII. 212.
4. Blathwayt's Journal, II 66 -
Hartwell, Blair & Chilton, 61
5. Hening, II. 31, 63, 99.

... the inspection of the ... the ...
in a particular and duty on exported tobacco, to ...
...:

Before 1691, the treasurer was dependent upon royal order in the
... of the funds entrusted to him, but after that date, he resorted
to the General Assembly for all money received by him, and paid it
... by order of that body, or by warrant issued by the governor.²
He was empowered by the Assembly to emit treasury notes on special
occasions, such as the preparation for the French and Indian War, when
extra funds were needed.³ He was to prosecute any one refusing to
pay the duties usually received by him, and was to force payment of
duties on liquors and slaves by compounding the penalties inflicted
for refusal or neglect.⁴

An Act of Assembly of November 1645, provided that the quit
rents were to be applied first to the payment of the treasurer's salary,
£500 a year, and the surplus to be disposed of by the Assembly.⁵
After 1691, he was paid six per cent. on the money passing through
his office, which was later reduced to five per cent. and by 1765, to
two and a half. He was by 1734 also paid £50 a year for auditing and
settling the accounts of the inspectors of tobacco, which additional
salary was gradually increased to £150. He was required to furnish

1. Henning, VII. 110

2. Henning, III. 495; VI. 135
Va. St. P., I. 30, 74, 113

Dinwiddie Papers, II. 490, 491
Col. St. P. Col. (1677-1680) #320, 331

3. Henning, VI. 467, 528

4. Ibid. IV. 473; V. 336

5. Ibid. I. 306. This was with royal approval, for he was then a
royal officer.

...with a ... to him.

When the offices of speaker and treasurer were separated(1691) the speaker was allowed in lieu of his former emoluments as treasurer, £800 out of the public money in the hands of the treasurer, paid by the warrant of the governor.²

There was little in common between the office of Lord High Treasurer and that of treasurer of Virginia. Of course, they were both custodians of public funds, but so far as the administration of the two offices was concerned, there was not much similarity, except that previous to 1691, the treasurer of Virginia, like the Lords Commissioners for executing the office of Lord High Treasurer, was appointed by the king.³

1. Hening, I. 306; III. 92, 476; IV. 136, 464; V. 64, 178; VI. 193; VII. 53, 242; VIII. 218.

2. Ibid. VIII. 210, 287

3. ... - Law ... of the ... 1663-1664.

... were usually two to each warehouse, and there were seventy-one warehouses and one hundred and thirty-three inspectors.¹ The duties of the inspector were to break open, "and examine" all hogsheads of tobacco, to see if the tobacco was in good condition and "merchantable", and to weigh it, and to stamp the hogshead.² He was required to take an oath for the faithful performance of these duties, and to furnish the governor a bond of £1000³ later reduced to £500.

The salary of the inspectors was at first small, but from 1680 to 1732 each received £60 a year. After 1732 it ranged from £40 to £60 a year, and was specified by act of Assembly for the several warehouses, according to their importance.⁴

Inspectors accounted annually with the treasurer of Virginia for the fee of five shillings paid on every hogshead by the owner, and any other money received (after deducting their own salary, the rent of the warehouse, and expenses, such as meals, and printing of notes, etc.), by whom the account was reported to the Assembly. They also reported to the county courts the disposition made of

1. Warwick Co. Court Minutes, 39
Journ. Va. Council (1721-1734) 408, 471
Hening, IV. 251; V. 189; VI. 159
Va. St. P. I. 233

2. Hening, IV. 329
Journ. Va. Council (1729-1734) 480

3. Hening, IV. 251

4. Hening, IV. 31; VI. 11; VII. 87

5. Hening, VI. 171, 182; VII. 131; VIII. 104

The first of these is the fact that the
 
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Any person wishing to pay any public or private debt, ...
... the inspector, notes to the value of his tobacco placed ...
... use. These notes, known as "tobacco" or "inspector's notes",
... as legal tender. Quit rents and any "tobacco debt" was re-
quired to be paid in these notes.²

Inspectors while in office and for two years afterwards, were in-
eligible to membership in the House of Burgesses and were to take
part in elections.³ In the effort to prevent fraud on the part of
inspectors, it was specified by act of Assembly⁴ that no inspector
should be a collector of quit rents, or of any public, county or pri-
vate, or of any officer's fees.⁴ This act was, however, later (1734),
repealed, but again (1735) enacted.⁵

That some planters evaded the law and disposed of their tobacco
... having brought it to the public warehouse, is evident from
law passed in 1735, requiring inspectors, sheriffs, and justices,
... in the county court to report all cases of such viola-
tion, any tobacco consigned to Maryland or North Carolina ...
it, to the justices of the peace.⁶

1. Hening, IV, 111, 112-113; V, 112; VI, 112-113

2. Hening, IV, 111; VI, 112, 113; VII, 112, 113
3. Hening, IV, 111; VI, 112, 113

4. Hening, IV, 111; VI, 112; VII, 112

5. Hening, V, 112

6. Hening, VI, 112; VII, 112

7. Hening, VI, 112; VII, 112

8. Hening, VI, 112; VII, 112

THE POST OFFICE

John Bush, the first colonial postmaster, left to the king the silver, but still very uncertain, royal results. On February 1, 1709, the king was authorized by letters patent, under the Great Seal, to have charge for twenty-one years of the administration of the affairs in all the colonies on the mainland of North America, and adjacent islands. He did not personally perform the duties of the office, but nominated his deputy Andrew Hamilton of East Jersey, who was commissioned by the postmaster-general of England in pursuance of royal order. Andrew Hamilton commissioned Peter Heyman to serve as his deputy in Maryland and Virginia. Heyman presented his commission to the governor and Council of Virginia, whereupon a proclamation was issued to make known the royal pleasure, and to assure him of the cooperation of the colony.¹

The Council, however, with the House, passed an act² acknowledging the Act of Parliament, which established the post office to be in force in the colony, but really prevented its being enforced. There was no objection to the royal postal system in the colony, and it was not until 1718, that the post office was actually established in Maryland and Virginia. Spotswood in a letter to the Board of Trade (June 27, 1718) said: "The people were made to believe that the Parliament could not lay any tax (for so they call the rates of postage) here, without the consent of the General Assembly." He also referred to the matter of "this branch of the king's revenue."³

1. J. M. W. Council (1697-1698) 188
 2. J. M. W. Council (1701-1702) 143, 147
 3. J. M. W. Council, April 1-15, 1708

4. J. M. W. Council, 1718-1719

... at Virginiana ... it ...
... get ...
... desired for the colonies ... 1718 ...
... to the postal system.
In the king's letter to the ... , informing him of the ...
... it was stated that letters and parcels were ...
... "unless such rates and sums of money as the ...
... to give, or as shall be proper ... to the ... for ...
... of letters ascertained by the Act of Parliament for ...
... "posting a post office." The Virginia Assembly ...
... the rates of postage, which were effective as soon as the ...
... in 1718 to the postal system.⁷

3. Greene - Provincial America, 41
J. W. M. Co. Mail (1720-1793), 135

Letter	One sheet	- distance not over 60 miles	- - 3d
"	" two "	" " " " " "	- - 6d
"	" one "	" over " " "	- - 1s
"	" two "	" " " " "	- - 1s
Every additional sheet for any distance	- - - -	- - - -	- - 1d
Books, deeds, etc. per ounce, not over 60 miles	- - - -	- - - -	- - 1s
" " " " " " , over 60 miles	- - - -	- - - -	- - 1s
Letter if enclosed -			
Letter of one sheet - distance not over 60 miles	- - - -	- - - -	- - 3d
" " two "	" " " " " "	- - - -	- - 6d
" " three "	" " " " " "	- - - -	- - 1s
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 ... the ...
 ... the route between Williamsburg and ...

In addition to the usual duties of the postal service, the supervision of the ferries was to have been given over to the postmaster.² The governor, on July 24, 1695, calling attention to the state of the post office, in the Council stated that the postmaster had not been settled in the colony, nor the ferries which were vested in the postmaster. Henning's statutes covering the period 1693-1698, show, however, that the ferries were established by the Assembly, and the fees also fixed by this body, and that the ferry keepers were appointed by the county court.³ Thus the royal power, as represented by the postmaster, did not extend, as was evidently intended, to the ferries.

The postmaster-general in England, sent from time to time in addition to the instructions to his Deputy in the colony, certain directions to the governor, by whom reports were made regarding the post office to the Lords of the Treasury.

Virginia Council, April 1-16, 1716
 The same route between Williamsburg and Anderson, N.C. and ...
 monthly mail service.

... Col. (1693-1698), 1693
 ... (1693-1698) 147

... Will. In 1705 the ...
 In 1705 the ...

... (1705-1706), 1705
 ...

THE BRITISH COLONIAL SYSTEM

The British Government, in the early years of the eighteenth century, was largely influenced by the interests of the home government, and the policy of the British merchants, as was demonstrated by the Navigation Acts and the frequent regulations regarding trade. Thus the colonial policy towards the end sought, seems amply justified upon the authority of one whose position afforded him an opportunity to obtain the correct returns from the plantations. In 1707, the Secretary of the Treasury, William Blathwayt, the collector-general of the revenues, asserted in 1707, that the American colonies were the chief support of Great Britain.¹

The colony of Virginia was but one in the British colonial system, and from the British point of view, was estimated very highly by the value of its exports to England. Aside from any consideration as to whether the people liked or disliked the system of government which they were given, the royal administration seems to have been in large measure successful.

The estimate of the British Government of the relative wealth and importance of Virginia, is shown in the apportionment of the expenses of the assistance to be given by the colonies to New York. The royal instructions to the governor of that colony (May 2, 1710), stated that the General Assemblies of certain colonies had been directed to appropriate specified amounts towards the erection of

¹ W. B. P. Green, *Paper* (1700-1707) 531.

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"The above is a copy of the letter from the President of the United States to the Secretary of the Navy, dated 10th March 1899, in relation to the proposed purchase of the Hawaiian Islands."

1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100. 101. 102. 103. 104. 105. 106. 107. 108. 109. 110. 111. 112. 113. 114. 115. 116. 117. 118. 119. 120. 121. 122. 123. 124. 125. 126. 127. 128. 129. 130. 131. 132. 133. 134. 135. 136. 137. 138. 139. 140. 141. 142. 143. 144. 145. 146. 147. 148. 149. 150. 151. 152. 153. 154. 155. 156. 157. 158. 159. 160. 161. 162. 163. 164. 165. 166. 167. 168. 169. 170. 171. 172. 173. 174. 175. 176. 177. 178. 179. 180. 181. 182. 183. 184. 185. 186. 187. 188. 189. 190. 191. 192. 193. 194. 195. 196. 197. 198. 199. 200. 201. 202. 203. 204. 205. 206. 207. 208. 209. 210. 211. 212. 213. 214. 215. 216. 217. 218. 219. 220. 221. 222. 223. 224. 225. 226. 227. 228. 229. 230. 231. 232. 233. 234. 235. 236. 237. 238. 239. 240. 241. 242. 243. 244. 245. 246. 247. 248. 249. 250. 251. 252. 253. 254. 255. 256. 257. 258. 259. 260. 261. 262. 263. 264. 265. 266. 267. 268. 269. 270. 271. 272. 273. 274. 275. 276. 277. 278. 279. 280. 281. 282. 283. 284. 285. 286. 287. 288. 289. 290. 291. 292. 293. 294. 295. 296. 297. 298. 299. 300. 301. 302. 303. 304. 305. 306. 307. 308. 309. 310. 311. 312. 313. 314. 315. 316. 317. 318. 319. 320. 321. 322. 323. 324. 325. 326. 327. 328. 329. 330. 331. 332. 333. 334. 335. 336. 337. 338. 339. 340. 341. 342. 343. 344. 345. 346. 347. 348. 349. 350. 351. 352. 353. 354. 355. 356. 357. 358. 359. 360. 361. 362. 363. 364. 365. 366. 367. 368. 369. 370. 371. 372. 373. 374. 375. 376. 377. 378. 379. 380. 381. 382. 383. 384. 385. 386. 387. 388. 389. 390. 391. 392. 393. 394. 395. 396. 397. 398. 399. 400. 401. 402. 403. 404. 405. 406. 407. 408. 409. 410. 411. 412. 413. 414. 415. 416. 417. 418. 419. 420. 421. 422. 423. 424. 425. 426. 427. 428. 429. 430. 431. 432. 433. 434. 435. 436. 437. 438. 439. 440. 441. 442. 443. 444. 445. 446. 447. 448. 449. 450. 451. 452. 453. 454. 455. 456. 457. 458. 459. 460. 461. 462. 463. 464. 465. 466. 467. 468. 469. 470. 471. 472. 473. 474. 475. 476. 477. 478. 479. 480. 481. 482. 483. 484. 485. 486. 487. 488. 489. 490. 491. 492. 493. 494. 495. 496. 497. 498. 499. 500. 501. 502. 503. 504. 505. 506. 507. 508. 509. 510. 511. 512. 513. 514. 515. 516. 517. 518. 519. 520. 521. 522. 523. 524. 525. 526. 527. 528. 529. 530. 531. 532. 533. 534. 535. 536. 537. 538. 539. 540. 541. 542. 543. 544. 545. 546. 547. 548. 549. 550. 551. 552. 553. 554. 555. 556. 557. 558. 559. 560. 561. 562. 563. 564. 565. 566. 567. 568. 569. 570. 571. 572. 573. 574. 575. 576. 577. 578. 579. 580. 581. 582. 583. 584. 585. 586. 587. 588. 589. 590. 591. 592. 593. 594. 595. 596. 597. 598. 599. 600. 601. 602. 603. 604. 605. 606. 607. 608. 609. 610. 611. 612. 613. 614. 615. 616. 617. 618. 619. 620. 621. 622. 623. 624. 625. 626. 627. 628. 629. 630. 631. 632. 633. 634. 635. 636. 637. 638. 639. 640. 641. 642. 643. 644. 645. 646. 647. 648. 649. 650. 651. 652. 653. 654. 655. 656. 657. 658. 659. 660. 661. 662. 663. 664. 665. 666. 667. 668. 669. 670. 671. 672. 673. 674. 675. 676. 677. 678. 679. 680. 681. 682. 683. 684. 685. 686. 687. 688. 689. 690. 691. 692. 693. 694. 695. 696. 697. 698. 699. 700. 701. 702. 703. 704. 705. 706. 707. 708. 709. 710. 711. 712. 713. 714. 715. 716. 717. 718. 719. 720. 721. 722. 723. 724. 725. 726. 727. 728. 729. 730. 731. 732. 733. 734. 735. 736. 737. 738. 739. 740. 741. 742. 743. 744. 745. 746. 747. 748. 749. 750. 751. 752. 753. 754. 755. 756. 757. 758. 759. 760. 761. 762. 763. 764. 765. 766. 767. 768. 769. 770. 771. 772. 773. 774. 775. 776. 777. 778. 779. 780. 781. 782. 783. 784. 785. 786. 787. 788. 789. 790. 791. 792. 793. 794. 795. 796. 797. 798. 799. 800. 801. 802. 803. 804. 805. 806. 807. 808. 809. 810. 811. 812. 813. 814. 815. 816. 817. 818. 819. 820. 821. 822. 823. 824. 825. 826. 827. 828. 829. 830. 831. 832. 833. 834. 835. 836. 837. 838. 839. 840. 84

1. *Journal of the American Medical Association*, 1997; 277: 1001-1005.

1. *Chlorophyll a* and *Chlorophyll b* were determined by the method of Lichtenthaler and Sponholz (1980). The total chlorophyll content was determined by the method of Arar and Cook (1980). The carotenoid content was determined by the method of Lichtenthaler and Sponholz (1980). The total carotenoid content was determined by the method of Lichtenthaler and Sponholz (1980). The total carotenoid content was determined by the method of Lichtenthaler and Sponholz (1980).

14. 1991.10.20 10:20 (10:20-10:30)

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... the English...
... large sum paid... the... colonial...
... quit rents. Much of this was...
... the British exchequer and therefore not used either directly or indirectly in the interest of the colony. The quit rents were regularly sent to England regardless of the financial condition of the colony. In some cases, however, as has been pointed out, a portion of this royal revenue was permitted to be retained for the expenses of the colony. And the British government paid the governor's salary, and for the maintenance of the military system, and allowed all of the revenue raised in the colony to be kept for local purposes only, there would have been, of course, no occasion for assistance. The colony was then self-supporting, for with the few exceptions noted, the expenses were met, and the quit rents also forwarded to England, and when it was necessary to request aid from the home government, the fund used by royal permission was the quit rents raised by the colonists themselves. The colonists not only maintained the royal government in Virginia, but also furnished troops and money to conserve British interests in the other colonies. These contributions were, moreover, not confined to the colonies along the Atlantic coast, but included expeditions against Canada and the Northern coast of South America.

There was in addition to the revenues which were used for the maintenance of the royal government, a system of provincial revenues used exclusively for local purposes, such, for example, as the public, and fish levies, and the duties on liquors, slaves, and skins and furs. These provincial revenues seem to have been usually adequate for meeting the ordinary expenses for which they were raised. In

the appropriations from this revenue during that war, and the preservation of British interests that he was for the large sums voted by that body.

The financial system, both in regard to the royal and to the provincial revenues, was thus adequate for meeting the expenses of the colony. In the study of the actual administration, much attention was devoted to the officials concerned with collecting and expending these revenues. There were in the eighteenth century when the revenue system was well established, twenty royal officials, directly or indirectly connected with receiving the royal revenues, which were either used in the colony or sent to England, and including the inspectors of tobacco, about one hundred and fifty provincial officials whose attention was devoted to the revenues used for the support of the government, and for purely local purposes. The classification of the revenue officials into royal and provincial can not be strictly adopted, for in the case of the sheriffs, for example, one of whom was appointed in each county, both royal and provincial functions were performed. The sheriff was appointed and commissioned by the governor for the performance of duties largely related to the judiciary, still he was to some extent a royal revenue officer, for he collected the quit rent, which was the one source of revenue above all others regarded as royal. Generally speaking, however, the total number of royal as compared with provincial officials given above, may be accepted as quite accurate for the eighteenth century. The royal officials were appointed by the British Government, and held commissions from the colonial office of the British Government.

It is difficult to ascertain in which were the most faithful in the discharge of their duty, but the weight of evidence seems to be in favor of the provincial officials. There were frauds in the revenues during the colonial period, and no doubt there were frequent evasions of the provincial revenues, but the irregularities in the royal customs, both as to payment and to collection were often complained of, both in the colony, but also by the British Government. In certain cases the officials were wholly responsible and were themselves guilty of fraudulent practices, while in others the system of exchange and credit in regard to trade, made it possible for the planters to evade the most careful and vigilant revenue officers.

Notwithstanding the heavy demands made upon the revenues, and the frequent frauds and evasions connected therewith, the financial system was, as has been shown, adequate for meeting the expenses of the administration of the colony.

C H A P T E R V I I .

CHAPTER VII.

JUDICIAL SYSTEM ¹

The Assembly was the Supreme Court of the colony until near the close of the seventeenth century. The first day of every session was devoted to hearing indictments made by grand juries, and to inquiring into the judicial methods, and any abuses practiced by judges or juries.² Appeals lay from the General Court to the Assembly, until 1680, when Culpeper, taking advantage of a dispute between the Council and the House, secured a royal order forbidding such appeals. Thereafter the General Court was supreme, and appeals lay from it to the king. Although deprived of its judicial power, the Assembly still maintained that the judiciary had no right to pass upon the constitutionality of its laws.³

The Council sitting in its judicial capacity constituted the General Court of Virginia which was the highest court of the colony. One of the criticisms against the personnel of this court was that those who composed it held the most important offices of trust and profit, then in the upper house of the Assembly, legislated on matters affecting those offices, and in executive session examined their own accounts, and then sat in judgment upon cases in which they themselves were interested.

1. It is not intended that this chapter should give an exhaustive account of the judicial system of the colony, as this has been done by Chitwood, (Justice in Colonial Va.). It is our purpose to show how far royal authority affected the courts and to treat at some length, the officials concerned with the judiciary who have not heretofore, been treated in any adequate manner, if at all.
2. Hening II 108.
Chitwood, Justice in Colonial Va. 20.
3. Hening I 264; II 108.
Chitwood, Justice in Colonial Va. 20.

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They were according to royal instructions forbidden to sit on the same case, both in a lower court and also in the General Court to which it was appealed.¹ The General Court developed by custom, and its members were never commissioned.² This court, any five of its members constituting a quorum, met twice a year, in April and October, and was presided over by the governor.³ It was supreme in all cases in chancery, king's bench, common pleas, exchequer, admiralty and ecclesiastical matters, and no appeal was allowed but to the king in Council.⁴ In the instructions to the governors from Howard (1683) to Dun more (1771) it was specified that he was not to permit appeals from the General Court to the Assembly, which custom prevailed previous to 1680.⁵ Only cases involving £100 (afterwards raised to £300, and later to £500 sterling) were to be appealed to the king, and the appellant was required to furnish security to pay the cost should the General Court be sustained. An exception was made in the cases, relating to some duty, fee, or rent, payable to the king, and appeals were allowed, although the amount involved was less than £500, and in cases of fines for misdemeanors, appeal was to be permitted provided the amount were £100 or over.⁶

1. After about 1700, councillors seldom sat in county courts.

2. Hartwell, Blair & Chilton, 32.

3. Jones, Present State of Va. 29.
Dinwiddie Papers I 383.
Va. Mag. Hist. & Biogr. III 115.
Hening V-468.

4. Hartwell, Blair & Chilton, 32.

5. Mass. Hist. Soc. Coll. 4th ser. X 648.
McDonald Papers VI 225.
Brit. Transcripts -MS. Div. Lib. of Cong.

6. McDonald Papers VI 225.
Col. Office Papers-Class 5.
Brit. Transcripts -MS. Div. Lib. of Cong.
Jour. Board of Trade III-340.

The General Court had original jurisdiction in all cases of above £16 sterling and heard all appeals from the county courts.¹ The county courts were at first held three times a year, (later monthly), and appeal lay to the General Court in cases of £10 sterling and in cases of less value to the Assembly.² Until near the close of the seventeenth century, councillors and sometimes the governor sat in the county courts. There was, until 1748, no limit as to the amount in cases appealed from the county courts to the General Court. In the instructions to the governors after 1700, they were directed to limit their appeals, but it was not until 1748 that the act for this purpose was passed, requiring that such appeals would be allowed only in cases involving amounts over £10.

The appointment to the clerkship of the county court, a position of some remuneration and influence was in the hands of the secretary of the colony who was himself, clerk of the General Court, and the custodian of the court, and other records of the colony. The court of oyer and terminer, held in June and December, tried criminals, imprisoned after the adjournment of the General Court. Only councillors sat as judges in this court, and were commissioned by the governor for this service.³ In addition to the courts mentioned there was, in certain larger towns, a magistrate's court.⁴ There was also a court of admiralty, composed of a judge, commissioned under the seal of the High Court of Admiralty of Great Britain, an advocate,
1. Hening II-65; III 299; V 482.

2. Va. Mag. Hist. & Biogr. III 115.

Dinwiddie Papers I 383.

Bruce-Institutional Hist. of Va. II 497.

3. Va. Mag. Hist. & Biogr. III 115.

Dinwiddie Papers I 384.

4. Va. Mag. Hist. & Biogr. III 115.

Dinwiddie Papers I 383.

a register, and a clerk, appointed by the governor. The names of the officers of this court were recorded in the Admiralty Office in London. Appeal from this court lay to the king in Council.¹

In the instructions to the governors from Nicholson (1700) and Dunmore (1771), a court of exchequer was provided for, to be held from time to time, for the more speedy and effectual administering of justice in cases relating to the royal revenue. But this court was not established, as the General Court heard such cases.

The right of habeas corpus was first granted in the instructions to Hunter (1707) but as this governor failed to reach the colony, it was not until 1710, under Spotswood that the colonists actually enjoyed this privilege.

The judicial affairs of the colony were under the constant supervision of the home government. The governor was explicitly instructed to furnish an account of the courts, with the method of judicial proceedings, and was to see that such irregularities as the entering of the orders of a court privately by a magistrate, instead of in open court, were corrected. He was not to establish any new court without special royal order, and was to see that no court of judicature was adjourned except on good grounds.² Frequent adjournments were, however, complained of about 1740.

1. The officers of this court were paid in fees which were about £100 for each prize condemned, the same as in other colonies. Nicholson approved their petition for salaries to be paid out of the two shillings per hhd. revenue or quit rents: Judge, £50, register £25, advocate, £25, marshal, £20. But this was not approved by the home government. -Cal. St. P. Col. 1699, 311, 387.

2. Plantations General IV (1) 36
Dinwiddie Papers I 364

3. Col. Office Papers Class 5:
Brit. Transcripts, MS. Div. Lib. of Cong.
Jour. Va. Council (1696-1703) 96.
McDonald Papers VI 124.
Mass. Hist. Soc. Coll 4th ser. 646, 647.

He was to furnish the home government every three months an account of all cases tried in the colony, and of those still pending in all the courts.

It was the purpose of the home government as expressed in the instructions to the governor that he should see that in suits concerning royal ships and revenues, the jury was to be composed of only natives of Great Britain, Ireland and the Plantations, and that in all places of trust in courts of law and the revenue only such men should serve.

The judicial affairs of the colony, were largely in the hands of the Lords Justices and the Attorney General of England.¹ About 1730 and later, Parliament intervened in the judicial administration of the colony, for the protection of British merchants who had complained of legal obstacles in the collection of debts due them in America.

It will be seen that so far as the actual administration of justice in the colony was concerned, the governor and Council had a close and personal connection with the judicial system and that notwithstanding the royal supervision, there were irregularities.

That the administration of justice, under such a system, was beyond reproach may be questioned, for the governor did not in some cases at least, hesitate to abuse his power. It is maintained by Greene, that the judiciary was so constituted as to be of no effectual check upon the governor and that the process of appealing to the home government was so difficult that it furnished little restraint on him.²

1. Sainsbury (1625-1705) 108; (1691-1697) 113; (1720-1730) 492.
Jour. Va. Council (1698-1703) 96.
William & Mary College Quarterly III 235.

2. Greene, Provincial Governor 143, 144.

Chitwood, however, states that the people were given a fair administration of justice.¹ The home government sought to maintain a certain degree of supervision over the judicial system of the colony, and in addition to considering the cases that were appealed, instructed the governor to send to the king, through one of the principal secretaries of state, an account of all courts and the fees and privileges connected with them.² Notwithstanding the statement of Greene, just given, it is a fact that appeals to England were allowed before 1624, (to the London Company) and after that date to the king in Council.³ A committee of the Lords of the Privy Council was appointed in 1696 for hearing appeals from the colonies. This committee often consulted the Board of Trade and the attorney and solicitor general before reporting their opinion to the king in Council, who issued the final decision. An authority states that "every appeal was referred to the Privy Council" and each case was "carefully and fully tried."⁴ If each case appealed from the General Court of Virginia were carefully examined, justice was nevertheless, greatly delayed, for the committee had to give much time to the cases referred by the other British colonies. While it is claimed that the administration of justice in the colonies was the constant care of the Privy Council, and that the decisions were usually just, still it is admitted that justice was sometimes long delayed, and that the Board of Trade was occasionally permitted to encroach

1. Chitwood-Justice in Colonial Va. 57.

2. Colonial Office Papers, Class 5
-British Transcripts-MS. Div. Lib. of Cong.
Mass.Hist. Soc.Coll, 4th ser. X 652.

3. Acts of Privy Council (Col.) II #88, 203, 393, 632, 770, 909, 1100, 1240
1263, 1311, 1327.
Hardwicke Papers, # 36216, 36217, 36218, 36219.

4. Hazeltine, Appeals from Colonial Courts to the king in Council
(Report Am.Hist.Assoc. 1894) 350.

upon the committee for hearing appeals.¹

The right of appeal to the crown was an established principle of English constitutional law. So far as British administration was concerned, this accustomed the colonists to regard the colonial courts as but a part of a system, which found a unifying principle in a court of final appeal.²

Although the right of appeal to the crown was an established principle of English constitutional law, still when Culpeper was instructed not to allow appeals from the General Court to the General Assembly, but only to the crown, it was specified that he should, however, discourage appeals from that court to the king.

Cases affecting every phase of the administration and social conditions in the colony were appealed to the crown and examined by the committee appointed for this purpose.³ It is however, to be observed that one of the greatest services rendered by this committee was the adjusting of differences between the colonists and the English merchants, occasioned by the system of exchange and credit which, owing to the distance, and the need of money in the colony was made necessary. Such, for example, as the case of certain colonists who were in debt to a London merchant; and others in which certain colonists appealed for protection of their interests, which were jeopardized by London merchants having taken advantage of the bankruptcy law.⁴

1. Acts of Privy Council Col. II, preface 6, 10, 11.

2. Hazeltine 350.

3. Acts of Privy Council (Col) 1720-1745, #65, 133, 167, 265, 391, 427, 467, 508, 545, 561, 568.

4. Ibid. 489, 427. Hardwicke Papers # 36217, 36219.

Bills of exchange were used by persons in the colony who had a balance to their credit in the hands of some English merchant. In many instances in seventeenth century according to Bruce these bills were protested because planters were either "bankrupt" or "unscrupulous"

-Bruce, Economic Hist. of Va. II 518

There was an attempt made in 1768 to force the colonists to send to England for trial, those charged with any crime, but it failed. The strong opposition raised in the colony and the resolutions of the House of Burgesses and their address to the king requesting that the Act of Parliament providing for this should not be enforced, no doubt influenced the home government to desist from the execution of the plan.¹

In the following detailed study of the more important judicial officials, a better understanding of the administration of justice in the colony may be had.

1. Jour. House of Burgesses 1766-1769. Intro. 9, 38, 215.

SHERIFF.

The sheriff in England was an officer of great antiquity, to whom many years before the Conquest, the government and peace of his county were committed by the king.¹

In the seventeenth century, the most conspicuous official of the shire or county was the sheriff. "Though not as powerful as in the Middle Ages, yet in the seventeenth century the sheriff's position was one of dignity and importance" although it was rapidly declining.² The sheriff was appointed by the king from a list of three men of distinction in the county, submitted by the Privy Council. They were usually knights with wealth and servants. The custom that no one was to be appointed for two successive years was pleasing to some who were unwilling to bear the burdens and expenditures of the office, as the fees were small while the requirements and social expenses very considerable. They appointed a deputy known as the "under sheriff". The sheriff held the monthly county court, which court was the electing body of the knights of the shire, and members of the House of Commons. The sheriff as presiding officer at this election, as returning officer of the elected members and as the official charged with levying money for payment of their wages and expenses, had an active and influential part in the choice of members of Parliament. He was to summon petty and grand juries for judges on their circuits through the county, and to execute the judgments. He also provided jurymen for justices of the peace and executed their orders. He had supervision of jails and appointed jailers.³

1. Webb, Justice of Peace, 292.

2. Cheyney- European Background of Am. Hist. 261.

3. Maryland-Constitutional Hist of England 485.

3. Cheyney- European Background of Am Hist. 261-262.

He was conservator of the peace and raised the hue and cry.

In England, the sheriff was more of a minister than a judge, while the latter was really the function of the justice of the peace.¹

Before 1634 in Virginia, the duties of the sheriff were performed by the provost marshall, or sometimes by the commander of a hundred, but after this date, sheriffs were regularly appointed.² The sheriff was appointed for a term of one year, and was to be ineligible to re-appointment, but this provision was, however, generally ignored by the governor.³ At first the county courts selected the sheriff, but soon the governor and Council appointed him on recommendation of the county commissioners, and later the justices served in rotation, each for a term of one year. From about 1700 to the Revolution, the sheriff was appointed by the governor and Council on recommendation of the county court, and received his instructions from them.⁴

Occasionally the governor used his appointive power to dispose of an obnoxious member of the House by appointing him sheriff, and practically forcing him to accept the office. Later a law was passed prohibiting any burgess accepting the office of sheriff.⁵

1. Webb-Justice of the Peace 292-298.
2. Chitwood, Justice in Colonial Va. 108.
3. Jour. Va. Council (1705-1721) 236,
Bruce, Institutional Hist. of Va. I 599.
Hening VII 644.
Chitwood, Justice in Colonial Va. 109.
4. Chitwood, Justice in Colonial Va. 109.
Cal. St. P. Col. (1697-1698) #1043.
Records of Rappahannock Co. (1695-1699) 39.
5. Miller, Legislature of Provincial Va. 127.
Hartwell, Blair & Chilton 28,
Hening VIII 317.

The sheriff was the ministerial officer of the county court, rather than a judicial one.¹ He executed the orders and sentences of the county court, and the General Court, and was at the command of the Assembly. He executed the orders of the justices of the peace, made arrests, and was the keeper of the county prison. It was his duty to proclaim the accession of a new king, and to announce publicly at the court house, the annulling of an act of Assembly by the king.²

He was required to furnish bond of £1000 in the county court for the faithful execution of his duties and especially the collection of the revenues received by him.³ He collected the quit rents, the public, the county, and usually the parish levies, held the election for the burgesses, at which time he also received grievances and public claims to be presented to the House of Burgesses, and summoned both grand and petty juries, for the county court and the General Court.⁴ Upon the order of the Council, he attended the election of the vestry of the parish, administered the oath to those voting, thus ascertained who were the freeholders, presided at this election, and reported to the Council the names of the newly elected vestrymen.⁵

1. Webb, Justice of Peace 292.
2. Bruce, Institutional Hist: of Va. I-598.
Chitwood, Justice in Col. Va. 111.
Hening VIII-181.
3. Hening VIII, 39, 273.
Webb, Justice of Peace 299.
4. Channing-Town and County Government in English Colonies 46.
Webb, Justice of Peace 108, 212, 303.
Hening III 264.
Elizabeth City Co. Records (1684-1699) 12.
5. Jour. Va. Council (1705-1721) 96.

He acted as the agent of the governor and Council in publishing general orders and proclamations, and in summoning the officers of the militia to a council of war held at the capital.¹ The sheriff communicated to the commanders of the militia, the naval officers and collectors, the orders of the governor and Council regarding the capture of pirates,² and also gave notice of the departure of ships, rendered aid to the surveyor general, and transmitted copies of escheated lands.³ He reported personally, his account of the quit rents to the receiver general, upon oath, certified to by the county court.⁴ The fines imposed by the General Court and collected by him were also paid to the receiver general.⁵ He reported to the county court his collection of the public levy, and once a year accounted with the treasurer for this revenue. For collecting the public, county and the parish levies, the sheriff received ten percent, and the same for collecting the royal quit rents.⁶ His compensation was also in certain fees on all business done in the county courts, which fees were specified by the Assembly. The office of sheriff was "very profitable."⁷

1. Jour. Va. Council (1698-1703) 152.
Va.St.P. I 35.
2. Cal.St.P.Col. (1696-1697) #1078; (1699) 148.
3. Ibid. (1689-1692) #2167 #2177 #2199.
4. Jour. Va. Council (1705-1721) 75, 334.
Hening IV 79 - Before 1664 quit rents were paid by sheriff to the treasurer of Va.
Webb, Justice of Peace 261.
5. Dinwiddie Papers I 21
Hening VIII 179, 182.
6. Hartwell, Blair & Chilton 27, 56, 57.
Brit. Mus. King's MS. #206, 256.
7. Beverley-Hist of Va. 199.
Hening II 146.
Bruce-Institutional Hist of Va. I 600.

In addition to the many fees charged by him, he received four per cent from the secretary, clerks of courts and surveyors, who handed him for collection all accounts of the usual fees still unpaid for services rendered by them, and for which they did not immediately demand the fees.¹ So lucrative was this office that it was, up to about 1700 much sought after, and it was claimed that many purchased the office and held it longer than it was lawful.² But by 1710 on account of the low price of tobacco, in which currency most of these fees were paid, it was difficult to get suitable men to accept the sheriffalty, and it became necessary to pass a law imposing a fine of three hundred pounds of tobacco on any one who should refuse to serve when elected.³ A striking illustration of the unwillingness of men to serve in this capacity was furnished in 1706, when a special compensation of £5-10s.-10d. was granted out of the quit rents to the sheriff of Surry Co. for the "hardship of serving three years."⁴ The price of tobacco, no doubt, had much to do with the exorbitant charges demanded by sheriffs and the cases of fraud and misappropriation of funds, which occurred after the above date.⁵

1. Webb, Justice of Peace 305, 143. This system of credit was due to waiting for the tobacco crop.
2. Andrews Colonial Self-government, 211.
Va. Mag. Hist. & Biogr. II 289, 387.
Hartwell, Blair & Chilton, 27, 28.
3. Hening III 500.
Chitwood, Justice in Col. Va. 109, 110.
Webb, Justice of Peace 299.
4. Blathwayt's Journal II 469.
5. Jour. Va. Council (1705-1721) 13.
Hening VIII 244; VI 552.

It seems however, that near the end of the colonial period, when there was much coin in the colony the sheriffs were still guilty of these exactions. An Act of Assembly was passed in 1769 to prevent sheriffs from swindling those who did not pay their taxes in tobacco, in calculating the difference between money and tobacco values.¹ As a further protection against fraud, sheriffs were required to furnish all persons paying them fees, a detailed statement as to the payment also a receipt.²

The "defaults and defects" in the collecting of the public levy by sheriffs as early as 1647, led the Assembly to relieve them of this duty, and to appoint six special collectors for this purpose. This was however, only a temporary change for the sheriffs were soon again performing this service.³

The opportunities for fraud and the charges so frequently brought against sheriffs, their close association with nearly every phase of local administration, and especially their part in the election of burgesses, no doubt occasioned the Act of Assembly passed in 1765, preventing their sitting in the House of Burgesses, either while in office or for two years after having retired.⁴

Sheriffs appointed and removed their deputies, or "under-sheriffs". By 1772, no under-sheriff was to be allowed to serve longer than two years in succession without the approval of the county court, since "by the long continuance of under-sheriffs in office, they gain an undue influence, and by that means are induced to commit many acts of

1. Hening VIII 381.
2. Ibid 525.
3. Ibid I 342.
4. Ibid VIII 316.

oppression and injustice."¹

A comparison of the duties of the sheriff in the colony with those of the same office in England, shows that there was a marked similarity between them, and that the shrievalty was invested with as much dignity in the colony as it was in the mother country.²

1. Hening, VIII 524.
Webb, Justice of Peace, 299.
Jour. Va. Council (1705-1721) 91.
Rappahannock County Records (1695-1699) 41.

2. Chitwood, Justice in Col. Va. 110.
Bruce-Institutional Hist. of Va. I 600.

JUSTICE OF THE PEACE.

"The constituting and appointing justices of the peace is a royal prerogative annexed to the crown of England by common law and confirmed to the King by statute."¹ In England during the seventeenth century the "real men-of-all-work in the counties," were the justices of the peace.² They were usually men of means and were expected to perform their services as a part of their patriotic duty, and not to be dependent on the small fees which were attached to the office. "But burdensome as the duties of a justice must have been and almost unpaid as they were, the office does not seem to have been avoided as was that of sheriff."³ The justices were fair representatives of that great class of rural gentry which exercised so strong an influence over the destinies of England in the sixteenth, seventeenth and eighteenth centuries.

The varied duties of the justices were summed up in the nature of his office, the conservation of the peace. They attended the quarter sessions, and the enforcement of many laws was placed in their hands. They also performed certain administrative duties, such as the care of bridges, granting licenses to ale houses, binding out apprentices, the relief of wounded soldiers, disciplining those refusing to attend church, and sometimes appointing constables. In emergencies such as a fire, pestilence, quarantine and other calamities, they were expected to assume direction of affairs temporarily. They were constantly subject to the instructions of the Privy Council.⁴

1. Webb, Justice of the Peace 205.

2. Cheyney-European Background of Am.Hist. 274.

3. Ibid. 275.

4. Ibid. 288-9.

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The justice of the peace in Virginia was appointed under the seal of the colony by the governor and therefore was responsible to him, and all controversies and complaints concerning this official were reported to the governor and Council.¹ There were usually from eight to twelve justices in each county.² The subordination of the justices to the governor and Council, even in the execution of the duties of their offices is seen in the fact that any member of the Council might sit in the county court with the justices, and assist in the performance of the duties devolving upon them.³ It seems that the councillors did not, however, interfere very seriously with them. The governor, was explicitly forbidden by royal instructions to execute the office of justice of the peace himself, or by deputy.⁴

The compensation received by the justices was in fees.⁵ Although appointed by the governor he was still in a certain sense, a royal official, in that his services were rendered in the interest of the royal administration of the colony.⁶

1. Jour. Va. Council (1692-1693) 139, 153; (1721-1734) 286; (1705-1721) 26. Cal. St. P. Col. (1696-1697) #1320. Va. Mag. Hist. & Biogr. III 116; XII 295.
2. There were fourteen justices in Northumberland Co. in 1699, and seventeen in Essex Co. in 1702. -Va. Mag. Hist. & Biogr. I 288, 365. There were four hundred in the colony in 1727. -Sainsbury (1720-1730) 486.
3. Hening II 390.
4. Instructions to Orkney-Jour. Va. Council 1709-1722.
5. Hening II 244.
6. In a certain case, a justice whose house had been burned by felons, on account of his action against them, performed in his official capacity, made complaint to the Treasury, and requested compensation. The Lords of the Treasury appropriated £300 to reimburse him for the loss sustained.

-Cal. St. P. Treas. Books & Papers (1729-1730)
#367 #390.

The justice of the peace in Virginia did not occupy as important a position as the similar officer in England. On account of this fact and also owing to the small fee, this office was not sought by the men of influence in the colony.

The duties of justices were ministerial and judicial. As extraordinary ministers of justice in certain cases they executed writs of certiorari, took surety of the peace, and performed similar duties. As judicial officers, they acted as judges of record and could take cognizance for the peace in any case, issue warrants for capturing felons, and in session had jurisdiction of all matters at common law or in chancery, except criminal matters concerning life and limb. They granted certificates of oath for any purpose, and especially to merchants swearing as to the invoices of goods imported. These certificates were required by the collectors before permission was given to unload a ship.¹

Justices were sometimes charged with oppression, such as the levying of tobacco upon the people of their county, for their own accommodation, and the raising of certain funds for the benefit of their friends.²

1. Webb, Justice of Peace 177, 118, 203.

2. Andrew's Col. Self-government 211.

CONSTABLES

In England in the seventeenth century, the most active and conspicuous officer of the parish or township, was the constable, or rather petty constable to distinguish him from the high constable of the hundred. He was appointed by the court-leet where this was still held, or by the steward of the lord of the manor, or by the vestry of the parish, or by the justices of the peace.

If the justice of the peace were the "man-of-all-work," as stated, the constable was the "tool" with which he worked. The constable was to see that peace was preserved, to arrest those disturbing the peace in anyway, to capture thieves, to raise the hue and cry, to whip rogues and beggars. But his most important duty was the execution of the orders of his superiors, and especially the warrants and orders of the justices of the peace. Occasionally the coroner, sheriff, lord lieutenant or still higher official, demanded his services. The constable arrested all persons who were to be bound over by the justices to keep the peace, and carried out the lesser sentences of the justices, inflicting the punishment and collecting fines.

The high constable was really the only officer of the hundred, which was a subdivision of the county, and was chosen annually by the justices of the peace.¹

The office of constable which was so well established in England was early introduced into Virginia. By 1637 this office had become a part of the governmental machinery of the colony.

1. Cheyney, European Background of Am. Hist. 297, 303.

Constables were at first chosen by the Assembly, but later appointed by the county court.¹ The General Court could compel any one refusing to serve as constable, to perform the duties of the office for at least one year, but justices of the peace, clergymen, lawyers, and physicians were exempted.²

The constable was a non-commissioned county officer who could be removed and another appointed by the justice of the peace until the next county court.³ He was changed annually, and his bounds or precincts fixed by that court and each precinct of the county had a constable. He had coordinate authority with the sheriff as well as special power of his own. He executed warrants or writs issued to him also orders and decrees of courts and the Assembly, collected fines for small offences, arrested violators of revenue laws, and searched for smuggled goods.⁴ He made "perambulations" to view tobacco fields and to prevent planters allowing suckers to grow after tobacco had been cut, and had the power to destroy inferior tobacco. He executed the game laws, and had full charge of all runaways, whether they were sailors, white servants or slaves.⁵

1. Chitwood, Justice in Col.Va., 113.

2. Webb, Justice of Peace 89.

3. Ibid.

Richmond Co. Orders, {1692-1694} 76, 107.

4 {Henrico Co. Records {1677-1699} April 15, 1699.

{Webb, 90.

{Chitwood, 113.

5. Henning V 340.

Channing, Town & County Government, 47.

As an officer of law and good order, he was to seek to prevent disturbances of any kind and to take a leading part in the hue and cry in cases of murder and robbery.¹

Many of the duties performed by constables were thus the same as those performed by the similar official in England.

The compensation of the constable was in fees which were specified by Act of Assembly and were to be paid by the person at whose request any service was rendered.²

1. Webb, Justice of Peace 90-95, 181.
Hening I-246, 483.

2. ^{See} Ibid V-340.
Channing, Town & County Government. 48.
Webb, Justice of Peace, 96.

CORONERS.

The office of coroner in England was originally one of the most and greatest authority. This ancient official, though elected by the freeholders of the county in the county court, and thus distinctly local, was ordained to be the principal conservator or keeper of the peace, and to bear record of the pleas of the crown.

By the seventeenth century, however, the generality of duties indicated by his name "*custos placitarum coronae*", were not performed by him, for his functions were few beyond the duty of investigating sudden deaths. Under some circumstances the coroner took the place of the sheriff, and in general his position looked back to a time when it was of greater significance than it had become in the seventeenth century.¹

The office of coroner was established in Virginia and the duties of this official in England, so far as the investigating of sudden death and acting for the sheriff were concerned, were also performed by the similar officer in the colony. The coroners were appointed under the seal of the colony by the governor with the advice of the Council, and made their annual report to them,² and in addition to this report, furnished the auditor with an account of the services performed during the year.³ The coroners were officers of the county recommended by the county courts usually from among the justices of the peace, and executed their offices "according to the laws of England."⁴

1. Cheney, 2272.
Webb, 97.
2. Va. Mag. Hist. & Biogr. III 116.
Cal. St. P. Col. (1696-1697)*#1078.
Cal. Va. St. P. 130.
3. (Jour. Va. Council {1705-1721} 91
4. Ibid. {1705-1721} 72; {1721-1734} 236.
Webb-Justice of Peace-97.
York Co. Va. Records {1694-1697}*182.

There were from one to four appointed in each county,¹ but in the vacancy or absence of any of them the justice of the peace performed the duties and received the fees.² The fee for holding an inquest was 13s. 4d. according to the allowance in such cases in England, or 133 pounds of tobacco, at the choice of the coroner, to be paid out of the estate of the deceased. The county, should the deceased have left no estate, paid this fee.³

The duties of the coroner were both ministerial and judicial. As a ministerial officer he executed all processes sent to him, and in case the sheriff were personally interested in a suit or for any reason could not perform his duties, the coroner was empowered to act for him. As a judicial officer he held an inquisition over dead bodies and could order the constable or other officers to assist him in summoning a jury.⁴

The principal duty of the coroner was the holding of the inquest over the bodies of persons who had met violent death, but he also acted as the administrator of the estates of such persons.⁵ Near the end of the colonial period, coroners were required to give bond in the county court in the sum of £500.⁶

1. Va. Mag. Hist. & Biogr. I 364-373.
There were 54 coroners in Va. in 1727.
-Sainsbury IX 486.
2. Beverley-Hist. of Va. 199.
Henrico Co. Va. Records, {1688-1697} 212,
Henning II 419.
3. Ibid IV 73, 350; V 50, 340.
4. Webb, Justice of Peace 98.
Henning VIII 119.
5. Bruce-Institutional Hist. of Va. in 17th century I 604.
6. Henning VIII 327.

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ATTORNEY GENERAL.

During the first years of the earlier part of the seventeenth century, there was no attorney-general but the governor and Council sitting in their judicial capacity could send to England for an opinion on any case upon which they needed legal advice.¹

The first attorney-general mentioned was Richard Lee, who was appointed in 1643.² From this date to about the end of the seventeenth century, this office was evidently filled by royal appointment but it seems that after about 1700, until near the close of colonial period the attorney-general was however, appointed and commissioned by the governor under the seal of the colony.³

Although the governor commissioned him, the question of salary was decided by the Lords of the Treasury as shown by an order of the Lord High Treasurer, to William Blathwayt, auditor-general of the colonies, to send him a report on the salary of the attorney-general of Virginia, whose salary had been requested to be increased.⁴

This office was thus at first and near the end of the colonial period xxx a royal appointment.⁵

1. Chitwood-Justice in Colonial Va. 120.
Sainsbury (1618-1624) 109.
2. Va. Mag. Hist. & Biogr. VIII 70.
Stanard-Col. Va. Register-25.
3. Commission of Bartholomew Fowler (1699)
Va. Mag. Hist. & Biogr. I 238.
4. Blathwayt's Journal II 233, 243.
5. Jour. House of Burgesses 1766-1769, Intro. 14, 15.
Sainsbury (1625-1705) 60, 62, 77.
Jour. Board of Trade LXIII-195, 262; XVI 168, 195.
Dinwiddie Papers I 492.
Va. Mag. Hist. & Biogr. III 122.

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The governor had a share in filling this office to the extent of recommending persons for the position. His appointments, therefore, should they be made without royal approval were necessarily temporary until such approval had been obtained.¹ The fact that the attorney-general was considered a royal official seems to have been so well recognized that he was as late as Dinwiddie's administration, designated as the "king's attorney-general."²

Should the governor consider it necessary, he might suspend the attorney-general, but such action was subject to review by the Board of Trade and finally by the king in Council.³ Such matters as the granting of permission to the attorney-general to go to England were left to the discretion of the governor.⁴ In case the attorney-should leave the colony, he was required to secure a competent deputy to serve during his absence. Near the end of the colonial period, the attorney-general was again appointed by the home government, his commission being granted under the sign manual of the king.⁵

From 1643, to 1775, but two members of the Council held the office of attorney-general.⁶

1. Cal.St.P.Col. (1669-1674) #201;263;(1697-1698) #951.
Dinwiddie Papers I.138.

2. Ibid 390.

3. Ibid; 363,492; II 679,781.

4. Jour. Va. Council (1721-1734) 157.

5. Fauquier to Board of Trade (1763)
Brit.Mus:King's MSS #205,495.

6. Stanard Col.Va. Register 25, -Richard Lee 1643 -Benj. Harrison
Jones-Present State of Va. 77. -(1697-1702)
Cal.St.P.Col.(1689-1692) # 1834 #2295.

So this office, unlike those of the auditor and secretary was not held exclusively by councillors.

The duties of the attorney-general were largely of a legal nature, which before 1680, did not necessitate much work, but gradually increased after that date.¹ He prosecuted criminals at the General Court and the courts of oyer and terminer, and persons refusing to pay quit rents, and gave his opinion by order of the Council, on matters requiring a knowledge of law, and explained instructions from the home government.² To specify more particularly, he decided suits between collectors and masters of ships,³ and disputes as to fines and forfeitures were referred to him for his opinion.⁴ He assisted the committees of the House of Burgesses in the examination of the bills referred to them, and was himself a member of the committee of propositions and grievances. He prepared for the governor and Council proclamations of all kinds and commissions and the forms of bonds for the commanders of private men of war, collectors and other officers,⁵ and read publicly the governor's commission when he qualified and took charge of the government.

1. Jour. Va. Council 1698, 109; {1721-1734} 436.

2. Ibid. 1698, 109; {1705-1721} 18.
Jour. House of Burgesses, {1692-1693} 146.
Webb-Justice of Peace 113.
Essex Co. Orders & Deeds 49.
Cnitwood-Justice in Colonial Va. 120.

3. Cal.St.P.Col. {1697-1698} #416.

4. Jour. Va. Council ex. Session June 2, 1722.
Jour. House of Burgesses 1722-1734.

5. Jour. Va. Council {1705-1721} 38, 57, 69, 13;
CalSt.P.Col. {1696-1697} #776.
Sainsbury {1625-1715} 26.

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He prosecuted those violating laws regarding trade, and in other ways defrauding the government, and was near the close of colonial period, on one occasion at least, judge of the vice-admiralty court.¹

No salary was granted by the king to the attorney-general until after 1680, and then only £40 was allowed, the colony already granting him £60 a year.² This salary was later, upon the approval of the Lords of the Treasury, increased to £140, and by 1767 this was raised to £200.³ One half of this amount was paid out of the two shillings per hhd. revenue, on the warrant of the governor upon the receiver-general and the other half out of the quit rents by royal order.⁴ Few perquisites were attached to this office.⁵ After 1703, when his salary was increased, he was required to reside at Williamsburg in order that he might be of more service to the governor and other officials of the colony.⁶

1. Cal.St.P.Col.(1689-1692) #2199.
Va. St. P. I 74.
Jour. Va. Council (1705-1721) 118.

2. Jour. Va. Council 1698, 109.
Blatnwayt's Journal, II, 233, 243.

3. Brit.Mus. King's MSS #205,496; #206,249.
Jour. Board of Trade XVI 196.
Cal.St.P. Treas.Books & Papers (1731-34) 241,389,425.

4. Cal.St.P.Treas.(1714-1719) 76.
Cal.St.P.Treas.Books & Papers (1731-1734) 241,425.
Jour. Va. Council (1705-1721) 43; (1721-1734) 436.
Dinwiddie Papers I 390.

5. Acts of Privy Council (Col)(1680-1720) #904.

6. Chitwood 120.

JUDGE OF THE ADMIRALTY COURT.

A vice-admiralty court composed of the governor and Council was established in 1660 by Act of Assembly but it was declared illegal. There was little need of such a court during the seventeenth century, as there were practically no prizes and the few maritime cases that did arise, were tried by the regular courts. Howard was instructed (1690) to establish an admiralty court, but it was not until 1697, that this was really done by Andros under commission and seal of the High Court of Admiralty. The jurisdiction of this court included North Carolina, the Bahama Islands, and later Pennsylvania and Jamaica, as well as Virginia. The judge was appointed by the Lords of the Admiralty, under the seal of the High Court of Admiralty of Great Britain. The register, the advocate, and the marshall were appointed by the governor.¹ This court tried cases concerning trade and general maritime affairs, but did not have jurisdiction over offences committed on royal ships of war. Appeals therefrom lay to the High Court of Admiralty, or to the king in Council.² Thus the principal officer of the vice-admiralty court was from 1697/1736 a direct appointee of the British Government. By 1736, however, the admiralty court, as then constituted, was composed of not less than seven judges, one of whom was always the governor, or the lieutenant governor, or councillor.

1. Cal.St.P.Col. 1700,324.

While the king had full power to create a vice-admiral, still the instructions and commission were issued by the Lords of the Admiralty

2. Chitwood-Justice in-Col.Va. 72.

Darwiddie Papers I 384.

Plantations General IV (1) 36. -The jurisdiction of the vice-admiralty court is fully treated under the agent for prizes.

Merchants, planters, and officers of ships were also eligible to a seat on the bench of this court.¹ By about 1750, the system of a single judge and the other officers adopted in 1697, seems to have been reestablished. An order in Council, July 6, 1768, directed the appointing of four courts of vice-admiralty in the colonies of North America, to improve the system of collecting fines and the trying of cases. The one at Philadelphia included in its jurisdiction, New York, New Jersey, Pennsylvania, Delaware, Maryland and Virginia.² These courts had original jurisdiction, also appellate jurisdiction over the vice-admiralty courts held in each colony. To this extent therefore, the power of judges of the vice-admiralty court in Virginia was affected.

The judge of the vice-admiralty court was thus from 1697 to 1736 a royal appointee, and from 1736 to about 1750, one of seven provincial appointees, and about 1750 again a royal appointee, who after 1768 was under the jurisdiction of the vice-admiralty court located at Philadelphia.

The office of the receiver-general of the royal rights and perquisites of the Admiralty, reference to which occurs in 1713 and again in 1771, did not conflict with that of the judge of the vice-admiralty court.

1. Chitwood, Justice in Colonial Va. 73.
Webb, Justice of the Peace 249.
Jour. House of Burgesses 1758-1761, 292, 296.

2. Plantations General XXX 7.

AGENT FOR PRIZES.

The admiralty affairs of the colony were under royal supervision, through the Lords of the Admiralty, who by means of instructions to the governor and to the captain of ships and reports from them, kept in constant touch with all matters pertaining to the admiralty. Such, for example, as petitions of merchants requesting that a ship be sent to cruise on the coast to protect trading ships from pirates, and memorials favoring the raising of an embargo and matters regarding the impressment of men by captains of ships, were referred to the Lords of the Admiralty.¹ They furnished instructions to the captains of the ships sent to guard the merchant vessels to and from the colony, and had general supervision of this fleet.² The passes distributed to the captains of ships to protect their vessels from capture, were furnished by the Admiralty office, in the name of the Lords of the Admiralty and sent to all the American colonies both royal and proprietary, including the islands off the Atlantic coast.³

In 1680, a law was passed in Virginia authorizing the governor and Council to ~~be~~^{constitute a court} a court of admiralty, but such a court was irregular and illegal, and no regular admiralty court was established until 1697.⁴

1. Jour. Va. Council 1698-1703, 106, 122.
McDonald Papers V 112, 113.
2. Jour. Va. Council 1698-1703, 121, 125, 155; 1705-1721, 328.
3. Ibid. 1698-1703, 89-90, 92, 111.
Jour. Va. Council 1698-95.
4. Andrews, Colonial Self-Government 31, 35-36.
Wm. & Mary College Quarterly V 129.

Before that time cases involving questions of admiralty were tried by the General Court and the county courts, the matters of lesser importance being left to the latter courts.

Andros, was granted, on June 26, 1697, under commission of the great seal of the High Court of Admiralty of Great Britain, authority to establish admiralty courts in Virginia, Carolina and the Bahama Islands, and later in Jamaica and Pennsylvania.¹ The officers of the court of Vice-admiralty were appointed and commissioned by the Lords of the Admiralty under the seal of the High Court of Admiralty of Great Britain, usually upon the recommendation of the governor, and their names were registered in the Admiralty office.² There was no regular time nor place for the sitting of the vice-admiralty court, but it was convened upon application to the governor and Council, when any occasion arose therefor.³

The court of vice-admiralty tried cases involving violations of the Navigation Acts and for a brief period, those concerned with piracy, privateering, robbery and felony on land or sea, where its jurisdiction extended. It, not only, had the power to try cases involving illegal trading and the condemnation of ships, but also, those concerned with unlawful conduct on the part of collectors, and

1. Jour. Va. Council, 1698-1703, 30, 98.
Spotswood Letters II 169.

2. Jour. Va. Council, 1721-1734, 6.
Sainsbury 1625-1715, 193; 1705-1707, 307.
These officers were, judge, register, marshall and advocate.

3. Beverley, Hist. of Va. 197.
Jour. Council of Va. 1705-1721, 202; 1721-1734, 10; 1705-1721;
Chitwood, 72. (Appendix, 19-20.)

others, in regard to smuggling goods and thus evading the customs. Controversies between the master of a ship and the mariners came within the jurisdiction of this court. The clerk of this court, (appointed by the court) forwarded the proceedings, thereof to the Admiralty Office in England.¹ Later, it seems that the governor, himself, was informed of the proceedings of this court, and transmitted them to the home government.² There were no salaries allowed the officers of the vice-admiralty court in any of the colonies.³ Their compensation which was in fees was irregular.⁴

Nicholson approved in 1699 their petition, for salaries to be paid out of the two shillings per hogshead revenue or out of the quit rents, but the home government did not grant the request. The Council of Virginia a little later recommended to the Commissioners of the Prize Office, that those officers be allowed a further compensation, as these fees were very small.⁵ About 1760, the judge and other officers were granted by Act of Parliament £10 for every court held, which seems to have been allowed in addition to the fees.⁶

1. Cal.St.P.Col. 1700, 318, 326.

Webb-Justice of Peace 249.

Bruce, Institutional Hist of Va., I 4704.

Kellogg-The American Colonial Charter, 227

Jour.Va. Council 1698-1703, 115; 1705-1721, 202; 1721-1734, 10.

2. Jour. House of Burgesses 1758-1761, 292, 296.

3. Jour.Va. Council 1698-1703, 98, 115.

4. The fees allowed on one occasion in 1699 were £50 to the judge, £25 to the register, £25 to the advocate and £20 to the marshall. The fees allowed on another occasion a few years later for condemning a prize, were £10 to the judge, £7. 7s. to the register, £5 to the advocate, £2 to the marshall. -Jour. Va. Council 1705-1721, 36.

-Cal.St.P.Col. 1699, 311, 327.

5. Jour. Va. Council 1705-1721, 36, 308.

6. Brit.Mus. King's MSS. #206, 273.

One-third of the money arising from the sale of ships condemned by the court of vice-admiralty, belonged to the king and two-thirds to the colony, but this was not necessarily paid to the officers of the court.¹

By 1705, there was appointed, by the Commissioners of the Prize Office, upon instructions from the Lords of the Treasury, the Agent for Prizes in Virginia, whose commission was signed by those commissioners. There was no need of such an official until about 1700. Berkeley stated in 1671, that in twenty-eight years, there had been no prizes brought into the colony.² The agent for prizes did not supersede the court of vice-admiralty, but acted with it.³ There were many irregularities in the colonies in regard to prizes, especially by the captains of ships sailing to America, who disposed of such prizes as they took at their own pleasure, thus making the creation of the above office very essential. In case of war, the governor and the agent for prizes received special orders from the Lords of the Admiralty, and sometimes under the sign manual of the king, regarding prizes taken from the enemy, and also the treatment of privateers.⁴ The governor was required to furnish from time to time, to the Lords of the Treasury, an exact account of all matters pertaining to prizes.⁵

The agent for prizes received five per cent of the proceeds of all prizes disposed of by him.⁶

1. Jour. Va. Council 1721-1734, 10.

2. Mening. II 511.

3. Jour. Va. Council 1705-1721, 26, 35.

4. Ibid. 424, 326; 1721-1734, 359.

5. Ibid., 1705-1721-Appendix p. 10.

6. Ibid.

As there had reached the home government complaints of excessive fees charged in several colonies for the condemnation of prizes, Dunmore was instructed to see that the "officers of the Admiralty court in Virginia" did not demand higher fees than those charged in England, which amounted to about £10 for the condemnation of each prize.¹

The reference to prizes in 1771 without mentioning the agent for prizes, and a special order from the Board of Trade in 1760, to the governor to furnish an account of the proceedings in certain cases of prizes, and the governor's instructions to the judge of the vice-admiralty court regarding certain privateers, without mentioning the agent for prizes, would indicate that this office was near the close of the colonial period, discontinued.

1. Dunmore's Instructions (Mass. Hist. Soc. Coll. 4th ser. X 656.)

RECEIVER GENERAL OF THE ROYAL RIGHTS

AND

PERQUISITES OF THE ADMIRALTY

The governor was usually given general supervision of the collection of admiralty dues. In 1713, however, Francis Nicholson former governor of Virginia, was appointed by the Lords of the Treasury to have charge of the arrears and of the rights¹ and perquisites of the admiralty in North America, and the adjacent islands.² The next mention of this office was in the instructions to the Earl of Orkney (1727) when Robert Byng was appointed to the position. The office was again mentioned in the instructions to Albemarle (1739) to Botetourt (1768) and to Dunmore (1771). The governor and the commissioners for trying pirates, were to account with this receiver general for all admiralty dues and pirates' goods which had been captured.

1. -Note:- These rights belonged to the Lord High Admiral, but they at times, were given over to the crown. The claim to these rights carried with it a certain jurisdiction. Property found on sea shore and unclaimed belonged to the Admiral. Should the claimant appear, he was entitled to restoration on proof of his claim, and the payment of a reasonable salvage. This salvage fee was allowed to the vice-admirals of the coasts who took care of the property.

-Holdsworth-Hist. of Eng. Law I 328.

2. Plantations General IX Feb. 27, 1713.

COLLECTORS OF THE SIX PENCE PER MONTH FROM SEALEN'S
WAGES FOR THE ROYAL HOSPITAL AT GREENWICH.

These collectors were appointed by commissioners in England, who pursuant to an act of Parliament, were given charge of this special royal revenue. In addition to the reference to this matter in the formal instructions to the governors of the colonies, special orders were sent from time to time, enjoining them to render assistance to these collectors.

Greenwich hospital was under the Admiralty office, and the commissioners having charge of this revenue were subject to the instructions of the Lords of the Admiralty.¹

For the encouragement of mariners and seafaring persons, not being freeholders, commonly employed in navigation, who paid towards the support of the hospital at Greenwich out of their wages, a law was passed in Virginia exempting them from the payment of any public, county or parish levy.² It thus seems that Virginia sailors paid the required six pence per month.

1. Plantations General XI M 13 May 30, 1730.
Aspinwall Papers 678. (Dunmore's Instructions)
Albamarle, and Botetourt's Instructions.

2. Hening V 36; VI 43.

COMMISSIONERS FOR TRYING PIRATES.

Pirates were very numerous from about 1660 to about 1730, and the Carolina coast was one of their favorite hiding places. Virginia and the Carolinas, and especially the latter suffered much at the hands of pirates.¹ North Carolina offered not only a good hiding place for piratical ships, but also protection to the pirates. The colonists were anxious to trade with them, and those "pirates who were brought to trial" in North Carolina, "escaped by shameless bribery of the juries, and some of the highest officials of the courts were not free from imputations of the most corrupt conduct."² Upon the request of those colonists in North Carolina who did not approve of such conduct, Governor Spotswood of Virginia, sought to aid them, and the Virginia Assembly offered a reward for the capture of certain pirates, who were causing the most trouble.³ Spotswood equipped at his own expense, two sloops and sent them to the Carolina coast with orders to take the noted pirate, Thatch, and bring him to Virginia, dead or alive. The expedition was successful and Thatch was killed.

The North Carolina authorities denied the right of Spotswood to send the expedition without their permission and threatened to bring suit in England against the Virginia captain who killed Thatch and captured his crew and goods..

1. Hughson-Carolina Pirates and Colonial Commerce 84.

2. Ibid. 32.

3. Ibid. 76.

Spotswood Letters II 273.

The evidence brought out in the investigation showed that the North Carolina authorities had been guilty of a most disgraceful participation in the crimes committed by Thatch and his crew.¹

The proximity of North Carolina to Virginia, as well as the opportunities offered by the Chesapeake Bay, made it impossible for the latter colony to escape the piratical incursions. One of the earliest instances of a pirate ship entering Virginia waters, was according to Bruce, in 1682. This author, maintains that there is no proof that the people of Virginia encouraged pirates by trading with them.²

In 1687 special commissioners were appointed under royal authority to supervise the trial of pirates in Virginia.³ By 1697, however, pirates were tried by a special court of oyer and terminer, appointed by the governor.⁴ This method was by 1700, changed, and they were first tried in the vice-admiralty court, and then sent to England for further trial. It was about 1700 that the colony was mostly troubled with pirates as indicated by the list of those sent to England about this time.⁵ Not only the pirates, themselves, but witnesses were also sent to England, as shown by the Privy Council referring to the Lords of the Admiralty the petition of a witness, sent over to testify against certain pirates, for compensation for services.

1. Hughson, 80.

2. Bruce-Institutional Hist. of Va., II 203, 209.

3. Sainsbury 1686-1688, 88, 144.

4. Henning, III 178.

Jones-Present State of Va. 29.

Chitwood, Justice in Col. Va. 73.

5. Cal. St. P. Col. 1700 #523, p. 313.

Hughson, Carolina Pirates & Col. Com. 80.

1. The first part of the paper discusses the importance of the study of the history of the United States. It is argued that a knowledge of the past is essential for a full understanding of the present and for the development of a sound policy for the future.

2. The second part of the paper discusses the role of the government in the development of the United States. It is argued that the government has played a crucial role in the development of the country, and that its actions have been guided by a set of principles that have been passed down from generation to generation.

3. The third part of the paper discusses the role of the individual in the development of the United States. It is argued that the individual has played a crucial role in the development of the country, and that his actions have been guided by a set of principles that have been passed down from generation to generation.

4. The fourth part of the paper discusses the role of the community in the development of the United States. It is argued that the community has played a crucial role in the development of the country, and that its actions have been guided by a set of principles that have been passed down from generation to generation.

5. The fifth part of the paper discusses the role of the nation in the development of the United States. It is argued that the nation has played a crucial role in the development of the country, and that its actions have been guided by a set of principles that have been passed down from generation to generation.

6. The sixth part of the paper discusses the role of the world in the development of the United States. It is argued that the world has played a crucial role in the development of the country, and that its actions have been guided by a set of principles that have been passed down from generation to generation.

7. The seventh part of the paper discusses the role of the future in the development of the United States. It is argued that the future has played a crucial role in the development of the country, and that its actions have been guided by a set of principles that have been passed down from generation to generation.

8. The eighth part of the paper discusses the role of the past in the development of the United States. It is argued that the past has played a crucial role in the development of the country, and that its actions have been guided by a set of principles that have been passed down from generation to generation.

He was granted £60 in addition to five months pay as a seaman.¹

Much attention was devoted by the Board of Trade to the discussion of matters pertaining to the pirates on the coast of Maryland, Virginia and the Carolinas, many of which matters were laid before the king in Council.²

In a letter under date of Oct. 12, 1699 to the Board of Trade, the Attorney-general of England stated that an order had been issued for the purpose of having pirates sent to England for trial.³ The following year (1700) however, the Piracy Act was passed by Parliament which provided that for the future piracy and other felonies on high seas was to be tried in the colonies by special courts constituted by commissioners appointed by the crown. Failure on the part of the governor to comply with this would result in the forfeiture of his appointment.⁴

On June 6, 1700, commissioners for this purpose were recommended by the Board of Trade to the Privy Council and to the Lords of the Admiralty, and their commissions were issued under the seal of the Lord High Admiral.⁵ George Larkin was thereupon recommended by the Judge of the High Court of Admiralty to go to the colonies, to confer with these commissioners as to their duties, and on April 10, 1701, an order in Council, was issued regarding the instructions to be sent to him.

1. Acts of Privy Council {Col} II #809.

2. Jour. Board of Trade X 375; XI 11, 186; XII 244.

Plantations General V (1) Oct. 27, 1699; Nov. 13, 1699; Sept. 20, 1699.

3. {Ibid. Oct 12, 1699.

4. Greene-Provincial America 39.

5. Plantations General VII Apr. 13, 1705; X Nov. 28, 1728; XVII May 18, 1761
Statutes of the Realm- 11 and 12 William III 7.

The trial and execution of certain pirates in Virginia in 1720, proves that these instructions were obeyed.¹

It was stated by an authority in 1724, that there were held in Virginia "courts-martial, by judges, appointed on purpose for the trial of pirates; likewise courts of admiralty for the trial of ships for illegal trade."² It was, however, stated in 1736 that it was the custom, for commissioners appointed under royal authority, to sit in the court of vice-admiralty when trying pirates.³

According to the instructions to Dunmore (1771) pirates were then tried by the royal Commissioners as had been the practice for about seventy years.⁴

Thus, it will be observed that from 1700 to the Revolution pirates were tried in the colony by special royal commissioners, and that these commissioners, on some occasions, at least, sat in the vice-admiralty court when performing their functions.

1. Acts of Privy Council (Col.) 1720-1745 #30.
Plantations General V. (1) June 6, 1700; V (2) & VI April 10, 1701.
2. Jones-Present State of Va. 29.
3. Webb, Justice of the Peace-107.
Chitwood-Justice in Col. Va.-73.
4. Dunmore's Instructions. (Mass. Hist. Soc. Coll.) 4th ser. X-657).

EFFICIENCY OF JUDICIAL SYSTEM.

After this study of the administration of justice in the colony, the question as to the efficiency of the judicial system very naturally arises. Since the governor was the president of the General Court, the highest tribunal of the colony, it would be reasonable to suppose that this position of influence would enable him to determine the relation of the judiciary both to the colonists and to the British Government. He, however, in most cases, allowed the Council who constituted this court, and whom he did not wish to antagonize, to render ~~its~~ decision without any interference. The administration of justice under such a system was, of course, subject to very serious criticism, for a dictatorial governor and Council did not hesitate in some cases, at least, to abuse this power.

Not only in the General Court, but also in the appointing of certain officials concerned with the administration of justice, the governor was closely connected with the judiciary. A comparison of those holding royal commissions with those appointed by the governor, shows that the latter far outnumbered the former, and also that they were constantly and directly employed in performing the functions of their respective offices. Thus the power of the governor over judicial affairs was exercised in local matters through his appointees. In each county, for example, there was a sheriff appointed by the governor, who performed valuable services of both a judicial and administrative nature. There were also in each county, from eight to twelve or fifteen justices of the peace. There were, even in 1727, four hundred of them in the colony, all of whom were appointed by the governor.

300

Of the other appointees of the governor, the coroner, the register, the advocate and the marshall of the vice-admiralty court, and the attorney-general, the most important was the attorney-general, whose services were of both a judicial and legal character.

The officials holding royal commissions, such for example, as the judge of the vice-admiralty court, the agent for prizes, the commissioners for trying pirates and the receiver-general of the royal rights and perquisites of the admiralty, were seldom called upon to exercise the functions of their offices. In the actual exercise of authority, therefore, the judicial appointees of the governor, rather than those holding royal commissions were regularly employed.

As has been stated the British Government sought to exercise a general supervision of the judicial affairs of the colony. The Lords Justices and the Attorney-General of England, were concerned with the judicial system of the colony, and examined into the whole procedure of the administration of justice. Many cases were appealed from the General Court of Virginia to the king and were heard by the committee appointed for this purpose. Although justice was, owing to the distance to England and the number of cases appealed from other colonies, somewhat delayed, still generally speaking, the colonists were given a moderately fair judicial administration.

C H A P T E R V I I I .

CHAPTER VIII.

MILITARY SYSTEM.

The military force of the colony was composed exclusively of the militia, which furnished its own equipment and was paid only when in service. Councillors, justices of the peace, overseers of plantations, coroners, millers, and all men over sixty years of age were exempted from military service. In 1756 those exempted numbered 8000, leaving 35,000 capable of bearing arms.¹

Each county had its colonel, lieutenant-colonel, county lieutenant, major, captains, lieutenants and the inferior officers and privates. These officers were all commissioned by the governor, except the inferior officers below lieutenant, who were commissioned by the colonels.² In addition to these, there was the armorer, appointed by the governor, whose duty it was to keep in order the arms belonging to the government, which were in the governor's house and the magazine in Williamsburg. He was considered one of the regular officers of the colony, and was paid his salary (£12 a year) along with the other officials of the colony, out of the two shillings per hogshead revenue.³ There were also the rangers, appointed by act of Assembly later, however, by the governor, to serve as scouts on the frontier, and especially at the heads of the four great rivers, to prevent sudden attacks by the Indians. They did not serve continuously, but when in actual service, each of the four companies was composed of about fifteen soldiers and two Indians, commanded by a lieutenant.

1. Dinwiddie to Lord Loudoun- "Dinwiddie Papers" II 474.

2. Jour. House of Burgesses 1758-1761, 263.
Hartwell, Blaine & Chilton-63.
Dinwiddie Papers I 319.
Hening III-18; IV-120; V 31; VI 118.

3. Jour. Vol. Council 1721-1734, 196.
Vol. Mag. Hist. & Biogr. III-128.

A company of rangers was later composed of about fifty men. They were paid in tobacco, upon an order of the governor to the sheriff for this purpose.¹

There were officers known as the "lookouts," appointed (1701-1788) by the commanding officer of the militia in the maritime counties of Northampton, Princees Anne and Elizabeth City, according to an act of Assembly, whose duty it was to "keep a constant lookout" for the ships of an enemy. They were compensated by the Assembly, at the rate of two hundred pounds of tobacco a month.²

A very important officer, was the county lieutenant, mentioned above. He corresponded to the lord lieutenant of the shire in England, and was always one of the most influential men in the county. He was appointed by the governor for the better regulating and disciplining the militia of the county.³ The services of the county lieutenant were of much value to the adjutant.

The adjutant or major-general of misters, was a royal appointee and was paid out of the royal revenues.⁴ He did not, however, serve continuously for although he served the colony near the close of the seventeenth century, still the office was, no doubt, dispensed with for a time.

1. Hening III 119, 126; IV 9, 37.
Jour. Va. Council 1705-1721, 197, 258.
2. Ibid; 1705-1721, 115, 154; 1721-1734, 36.
Hening III 208; IV 199; VI 115; VII 112.
3. Channing, Town & County Government 44, 45.
Dinwiddie Papers II 110 (Note)
4. Cal. St. P. Col. 1677-1680, #1508.
Bruce-Institutional Hist. of Va. II 323.

In 1733, the Council expressed the hope that the Lords of the Treasury would approve of the establishment of the office of adjutant, until the militia could be regularly disciplined, and then the office and salary attached thereto, would be abolished. A royal order was thereupon issued establishing this office with a salary of £150 a year, to be paid out of the two shillings per hogshead revenue, and the warrant for allowing this salary was sent to the governor by the Lords of the Treasury.¹ By the time of the administrations of Dinwiddie and Fauquier, however, there were four adjutants, one for each of the four military districts, into which the colony was then divided. They were not royal appointees, but were commissioned by the governor, and received out of the two shillings per hogshead revenue, an annual salary of £100, which, under Fauquier in 1763, was however reduced to £80.²

There were but few forts in the colony. The five in existence in 1671, seem to have been the largest number established, for by 1755 according to Dinwiddie, there were only two small batteries located on the York River. In 1756, the following year, several were established on the frontier.³ The captain in charge of a fort was appointed by the governor. In the case of the fort at Point Comfort, however, there was an exception, for the captain of this fort, was

1. Jour. Va. Council 1731-1734, 349, 457.
Cal. St. P. Treas. Papers-1731-1734, #152, 417.
2. Dinwiddie Papers II 344, 390.
Fauquier to Board of Trade 1763-Brit. Mus. King's MSS #208, 502.
Va. Mag. Hist. & Biogr. III 119, 122.
3. Hening II 512; VII 17.
Dinwiddie Papers I 387.
These forts were really only batteries at Point Comfort, on James river, York and Tindall's Points on York River, and on the Rappahannock River.
-Jour. Va. Council 1705-1741, 357, 356.

a royal appointee and was commissioned by the king, so long as that fort was in operation.¹ In 1631, the castle duties, which were one-half pound of powder and three pounds of shot for every ton of cargo, and also six pence a head for every passenger, paid by masters of ships coming into the colony, were allowed the captain of this fort. After 1680, however, when it seems that this fort was abandoned, castle duties were changed to port duties, (fifteen pence per ton) and the duty on passengers continued, and both appropriated to the support of the government.²

The governor was the commander-in-chief of the militia, which power was conferred by the royal instructions and recognized by the colonists. This power was seldom exercised by the governor in person. The officers above lieutenant were commissioned by him and of course, subject to his orders as were all in the service..

The members of the Council were appointed the colonels of militia and were thus the highest military officers next to the governor. Since they shared with the governor the appointive and administrative power, they had much to do with military affairs of the colony.

The military power of the governor in actual administration, was also curtailed by the fact that the House of Burgesses controlled the public funds and could withhold military appropriations. As shown elsewhere, that body not only interfered very seriously with the military plans of Dinwiddie, but to a great extent, really directed the campaigns.

1. Sainsbury 1606-1740, 59.
Bruce-Institutional Hist. of Va. II 323.

2. Henning I 176,218; II 164; 177,466.

RELATIONS WITH THE INDIANS.

As the colonists gradually settled the western frontier of Virginia, the Indians moved beyond the mountains and to the South, so that by about 1735 according to Gooch, the Indians of any strength were from three to four hundred miles from the inhabitants of the colony, and that those who were tributary to the government of Virginia were reduced to a small number.¹ Dinwiddie stated (1755) that the Indians "subject to the rules of this government are much reduced and very inconsiderable." Among these there were only about sixty fighting men.² By the time of Fauquier the few Indians in the colony were not only very friendly, but also civilized and some had adopted the dress of the colonists.³

While there were few Indians in the colony during the period indicated, and they were friendly, still earlier, it was necessary to devote much attention to the various matters which arose on account of their presence in the colony and the unfriendly relations existing between them and the colonists. The governor and Council, until near the close of the colonial period, adjusted all such matters so far as they were able, and then submitted their action to the home government.⁴ But it is reasonable to suppose that the governor did not wait to hear from England before attempting to settle difficulties occasioned by the Indians.

1. Va. Mag. Hist. & Biogr. III 120.

2. Dinwiddie Papers I 388.

3. Brit. Mus. King's MSS. #205 511.

4. Jour. Va. Council 1705-1721, 33, 46, 201, 213; 1721-1734, 305.

The governor and Council were sometimes appealed to by one tribe, to protect them from another tribe, their enemy, and to seek to bring about a reconciliation. In some cases such appeals were responded to, and the enemies of the tribe under the protection of the government of Virginia, were warned not to interfere with the tribe thus protected.¹ Indians desiring to visit another tribe were required to secure passes from the governor and this was also required of the colonists who went among the Indians to trade with them.² It was also necessary to obtain license from the governor in order for a colonist to keep Indians on his plantation.³ In some cases deputies were sent by certain tribes upon request of the governor, for the purpose of consultation. All expenses incurred and presents given to the Indians on such occasions and the usual expense of forming treaties, were paid by the colony.⁴ The government bore, in some cases at least, the expenses so far as actual necessities were concerned, of those tribes which emigrated westward.⁵

The tribes living near the frontier were required to pay tribute to the government of the colony.⁶ This requirement sometimes caused intercolonial complications. The great men of the Meherrin Indians, for example, complained to the governor of Virginia that the president of North Carolina had ordered them to pay tribute to that colony.

1. Jour. Va. Council 1705-1721, 336.
Va. St. P. II 22, 68.

2. Jour. Va. Council 1705-1721, 103.

3. Henrico Records 1688-1687.

4. Jour. Va. Council 1705-1721, 366, 368; 1721-1734, 6.
Jour. House of Burgesses 1761-1765. Intro. 40, 53.

5. McDonald Papers VI 244.

6. Ibid., 157.

They were tributary to Virginia and the governor and Council instructed them not to obey any summons from the government of North Carolina, without their permission.¹

It seems that there was an effort made to educate Indian children and as a special inducement to increase the interest of Indians in education and religion, those permitting their children to be educated in the Christian religion, were furnished goods cheaper than other. The interest of Spotswood in the development of the Indians intellectually was shown by his sending a schoolmaster to the Saponies, and paying him a salary of £50 a year and making treaties with other tribes regarding the instruction of their children in religion. A few Indians attended William and Mary College.²

The British Government did not as has been indicated, leave the governor and Council to exercise their own discretion in regard to Indian affairs, but kept in touch with conditions in the colony. Every detail of Indian affairs was reported by the governor to the king in Council through the Board of Trade. All treaties, trade relations, land grants, war measures, the amount of the annual presents to the Indians, and in fact all matters relating to them, were forwarded to the home government.³

Before 1748, the British Government did not, however, have any clearly defined Indian policy, other than to preserve the friendship of the strong tribes, to develop the fur trade, and to pit one tribe against another and thus prevent a union of the larger tribes.

1. Jour. Va. Council 1705-1721, 204.
2. Sainsbury III 435, 482. -William & Mary College Quarterly VI 187.
Dinwiddie Papers II 391. -Va. Hist. Register IV 10.
3. Plantations General XX 191, 225.
Jour. Board of Trade IV 205; XXX 233.
Jour. Va. Council 1695-1705, 117; 1705-1721, 212.
Sainsbury III 453, 455, 471.

After the date mentioned, the Board of Trade under Halifax, being given more power, devoted much attention to Indian affairs.¹

In 1756, the Board of Trade adopted for the first time the policy of appointing agents to treat directly with the Indians, instead of leaving such matters to the governor. There were two men appointed by the king and paid out of the royal treasury, and known as superintendents of Indian affairs, one for the Northern and the other for the Southern colonies.² The governor's power over Indians was thus limited by the appointment of these royal superintendents of Indian affairs, but in matters of general concern he was expected to confer with them, especially regarding treaties. Near the Revolution, the Assembly exercised a certain degree of restraint on the superintendent in regard to boundary lines and also treaties.³ The superintendent was required to forward to the home government all treaties with the Indians, in order that they might be passed on before being put into effect. Since some of the treaties were rather expensive in their negotiation, it was for this as well as for other reasons that they were always submitted to the home government. The Treaty of Lancaster (1744) cost £1260 2s. 11d. A warrant was sent to the governor by the Lords of the Treasury, directing him to issue his warrant to the receiver-general to pay that amount out of the royal quit rents.

1. Plantations General XX - XXX.

2. Sir Wm. Johnson for Northern colonies.

Edmund Atkins for Southern colonies--soon succeeded by John Stewart.
Dinwiddie Papers II 539, 671.

3. Correspondence of Supt. John Stuart: (Brit. Transcripts 1 S Div. Lib. Aspinwall Papers- Mass. Hist Soc. Coll. 4th ser X. 725, 734) (of Cong. Jour. House of Burgesses. 1761-1765, Intro. 24; 1766-1769, 26, 30-32; 1770-1772, 9, 14, 226.

Col. Office Papers Class 5 #71 p. 107, 209, 317.

Va. Mag. Hist. & Biogr. IX 360-364; XII 354; .

May 1 1881

June 1 1881

July 1 1881

Aug 1 1881

57 72.427; 5.0, -4.

The commissioners appoigned to negotiate this treaty received £700. The cost of drawing up the treaty between the Catawbas and the Cherokees (1756) was £1319 15s. 8d. which was paid out of the quit rents upon a warrant from the Lords of the Treasury. This amount did not, however include £700 paid for presents, (which was a sum sent from England for the service of the crown), and also the compensation of the commissioners.¹ Dinwiddie, writing (Aug. 6, 1757) to the Earl of Loudoun, the governor-in-chief, stated that the people complained of the "great expense of maintaining the Indians and giving them large presents," which was done for the "general service of the colony," and suggested that the expense be proportioned among the colonies. He stated, further that the soldiers sent to the frontier had taken £400, and that the Assembly had voted (June 1757) £3000 to supply the Indians with provisions, clothes and presents, but that this amount was not sufficient.² On one occasion at least, about 1745, a royal warrant countersigned by the Lords of the Treasury, was sent to the governor authorizing him to use the quit rents for meeting the expense of furnishing the Indians with presents.³

The confidence reposed in certain Indians was shown by their being employed in the military service and compensated therefor.⁴

1. Dinwiddie Papers II-465.

2. Va. St. P. I 251.

There were usually one or more representatives of the colony appointed to act for the colony, in conjunction with the superintendent in negotiating treaties.

3. Jour. House of Burgesses, 1756-1758, 510, 523.
Dinwiddie Papers II-606, 616, 660/
Hening VII-76.

3. Cal. St. P. Treas. Pap. 1742-1745, - 677.

4. Va. St. P. I-43, 44.
Hening III-83, 84; VII 165.

The expense attached to this practice was not at first of much consequence, but later as has been indicated, it was regarded as a real burden on the colony. For several reasons, however, the British Government favored the alliances with the Indians, especially during the French and Indian War.¹

The Indian trade was a matter of much concern to the home government, because of its vital relation to the peace of the colony and to trade in general. The governor and the superintendent of Indian affairs were instructed, from time to time, as to this trade.² The British Government determined, especially after 1755, when it had assumed control over the political relations with the Indians, to extend that control to commercial relations.³ There were about thirty English merchants who were interested in the Indian trade in Virginia. An act of the Virginia Assembly (1758) for encouraging this trade appropriated out of the treasury £5000 for this purpose.⁴ This trade was concerned mostly with skins, 10,000 of which were at a certain time exported from Virginia to England, in one year.⁵ The decrease in the skin and fur trade was largely due to the oppressive measures of the London merchants and the interference of North Carolina in the Indian trade.⁶ There was a considerable intercolonial rivalry in regard to the Indian trade, especially between Virginia and the Carolinas.⁷

1. Dinwiddie Papers II 270, 283, 605.

Jour. House of Burgesses (1755-1759) 437; (1758-1761) 263.

2. Jour. Board of Trade IV 205.

Jour. Va. Council 1698; 117.

Dunmore's Instructions Mass. Hist. Soc. Coll 4th ser. X 655.

3. Beer, Colonial Policy of Great Britain 1760-1765.

Ann. Hist. Assoc. Report 1906-1 186.

4. Jour. Board of Trade XXVI 57; - Sainsbury III 645; - Hening VII 354.

5. Ibid. XXVI 55.

6. Byrd MSS. II 165-170 - Va. Mag. Hist. & Biogr. XVI 78.

7. Greene-Provincial America 192.

Since this trade was so important in its bearing upon the friendly relations between the colonists and the Indians, and because of the necessity of forming alliances with the Indians, it was quite imperative that such an official as the superintendent of Indian affairs should be appointed.

INTERPRETER FOR THE INDIANS.

There was from 1633 to 1734, an interpreter, and on one occasion three, who rendered valuable service in the negotiations between the Indians and the government of the colony.¹ But by 1734, owing to the fact that the tributary Indians in many cases, spoke the English language, the services of an interpreter were deemed unnecessary, and the office was discontinued.² There were, however, from time to time, occasions when it was necessary to employ some one who could perform such service.³ While after the date mentioned, there was no official interpreter of the colony, still in the instructions to Dunmore (1771) it was specified that to prevent trouble with the Indians, no grant for any land purchased of Indians should be issued unless such land were publicly surveyed in the presence of the Indians of whom it was purchased, and in the presence of the interpreter.⁴ This seems to indicate that there was still, according to the opinion of the home government some need of such an official.

The interpreter was at first appointed by act of Assembly, but by about 1690, he was appointed by the governor and Council, and received his instructions from them.⁵

1. Hening I 222; II 138.
Sainsbury IX 486.

2. Hening IV 461.

3. Dinwiddie Papers I 6.

4. Dunmore's Instructions- Mass. Hist. Soc. Coll 4th ser. X 655.

5. Hening I 222, 338; II 138.
Jour. Va. Council 1705-1721, 48.
Cal. St. P. Col. 1689-1692, #1509; 1693-1696 #2191; 1697-1698 #17.

The duties performed by the interpreter are indicated by the name of the office. In addition to his services in the negotiation of treaties, he accompanied the "great men" of certain tribes before the governor and Council for a conference, and on some occasions, to answer for the murder of certain members of other tribes. He was sent to acquaint one tribe of the protection granted their enemy, and to warn them against interfering with them, and it was through him that the tributary Indians appealed to the governor and Council when they desired the intervention of the government against their enemies.¹ He performed valuable service in ascertaining the number of Indians, and how much land they held, and it was through him that requests were sent by Indians to occupy certain lands.² When a complaint was made by the members of a certain tribe that some of their number had been induced to take up their abode with the whites, it was the interpreter who conveyed the Indians, thus deserting, before the Council.³

The salary of the interpreter, which was at first one thousand pounds of tobacco, was gradually increased to eight thousand pounds, but by 1688, was reduced to four thousand pounds and was paid by the Assembly.⁴ There was no prohibition as to his accepting gifts.⁵

1. Jour. Va. Council 1705-1721, 117, 182, 336, 338.

2. Ibid., 14.

3. Ibid., 103.

4. Jour. House of Burgesses 1727-1734, 12, 15.
Hening I, 222, 328 - Executive Papers 1677-1683.
Jour. Va. Council 1705-1721, 282.

5. Ibid. 336.

INTERCOLONIAL RELATIONS.

In the matter of intercolonial relations, the governor of Virginia was instructed to assist in case of distress, any other British colony, and to avail himself of every opportunity of conferring with the governors of other colonies in America, in order that the royal service might thereby be advanced.¹ Correspondence between them increased quite noticeably after about 1700, as the colonies increased in importance.² The governor of Virginia, while serving the British Government especially in that colony, still felt it was his duty to promote the interests of the crown in the other colonies, whenever it was in his power to do so. The action of the colony in this connection was voluntary for it was recognized that the crown had not the right to order the colonists to go on an expedition beyond the limits of their respective colony.³

In 1665 ninety-six men were sent from Virginia to join the expedition from Jamaica against the Dutch. Men were sent in 1715, from Virginia to aid South Carolina during the Indian war in the colony, and in 1740 to assist the colonists in Georgia against the Spaniards. Four companies were sent to South Carolina in 1757.⁴ In 1740, troops were sent from the colonies to assist the regular British soldiers in an offensive war outside the colonies.

1. Jour. Va. Council 1698-1703, 103, 113, 159.
McDonald Papers VI 148, 225.
Col. Office Papers - Brit. Transcripts MS. Div. Lib. of Cong.
2. Va. St. P. I 78
Winmiddle Papers I 60-69; 79-82; 116-125; 438-522.
3. Beer-Colonial Policy of Great Britain 1760-1765, 179.
4. Jour. Va. Council 1705-1721, 241;
Va. Mag. Hist. & Biogr. XVII 43.
Cal. St. P. Col. 1661-1668 #1088.
Jour. House of Burgesses 1756-1758, 427.

Gooch raised four hundred men as the quota from Virginia, and the Assembly voted £5000 for their support, to be paid out of the treasury and also by an additional tax on imported slaves.¹ Ex-Governor Spotswood was appointed to command the four colonial battalions, (which included the Virginia troops) but dying suddenly on the eve of embarkation, Gooch assumed command and went with them to attack Carthagena, a seaport on the northern coast of South America.² It was also during his administration (1746) that the Assembly appropriated £4000 towards raising the quota of troops, apportioned Virginia for an invasion of Canada and £600 for provisions and quarters for British soldiers bound for Canada, but on account of storms compelled to stop in Virginia.³ Gooch was appointed a brigadier-general in this army but declined to serve. His willingness to further conserve British interests outside of his own colony was shown by his granting the request of Governor Shirley in 1745, and sending £1273 lls. 2d. to Cape Breton for provisions for the garrison.⁴ Of the 1010 men raised in 1754 by New York, Maryland, Virginia, North Carolina and South Carolina, for the war with the French, 300 were furnished by Virginia.⁵ Of course, many more were levied by the colony as this war progressed.

1. This sum exceeded the surplus in the treasury, and the deficit was borrowed from wealthy colonists at six per cent.-Hening V 92,122.
2. Cal.Treas.Books & Papers. 1742-1745, 19,321.
Va. Mag. Hist. & Biogr. III-113.
3. Jour. House of Burgesses (1742-1747) 221,231; (1748-1749) 268,269.
Hening V 401.
4. Jour. Board of Trade LIV-25.
5. Dinwiddie Papers I 257.

EFFICIENCY OF MILITARY SYSTEM.

The local militia was sufficient for the defense of the colony except in extraordinary cases. The colony not only defended itself against the Indians, but also rendered assistance to neighboring colonies, and even to the regular British troops engaged in an attack upon a Spanish port on the northern coast of South America..

It was the policy of the home government to leave the colony to its own defense against the Indians, and also the Spanish and French, unless there was danger of a serious war. The valuable service rendered by the Virginia militia during the French and Indian War indicated the efficiency of the military system of the colony.

There were no regular British troops stationed in the colony, before or after that war. There were, however, for some time after the close of the war some regulars under the commander-in-chief of all the British troops in America, who were guarding the frontier in general and not especially the Virginia frontier.¹

¹ 1. Jour. House of Burgesses, 1761-1765, 203, 204, 216.

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1. The first part of the document is a letter from the Director of the Federal Bureau of Investigation to the Director of the Central Intelligence Agency. The letter is dated 10/10/50 and is addressed to the Director of the Central Intelligence Agency, Washington, D.C. The letter is signed by J. Edgar Hoover, Director of the Federal Bureau of Investigation.

2. The second part of the document is a letter from the Director of the Federal Bureau of Investigation to the Director of the Central Intelligence Agency. The letter is dated 10/10/50 and is addressed to the Director of the Central Intelligence Agency, Washington, D.C. The letter is signed by J. Edgar Hoover, Director of the Federal Bureau of Investigation.

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The first part of the report deals with the general situation of the country. It is a very interesting and informative study of the country's development. The author has done a great deal of research and has gathered a wealth of material. The report is well written and is a valuable contribution to the study of the country's development.

The second part of the report deals with the economic situation of the country. It is a very interesting and informative study of the country's economic development. The author has done a great deal of research and has gathered a wealth of material. The report is well written and is a valuable contribution to the study of the country's economic development.

The third part of the report deals with the social situation of the country. It is a very interesting and informative study of the country's social development. The author has done a great deal of research and has gathered a wealth of material. The report is well written and is a valuable contribution to the study of the country's social development.

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CONCLUSION.

The loyalty of the colonists to the crown was very pronounced. There were from time to time, expressions of their disapproval of the policy of the British Government, but generally speaking the colony was quite loyal. The address of the House of Burgesses, to the royal governor as late as 1766 soon after the repeal of the obnoxious Stamp Act, indicated the loyal attitude of the colonists towards the home government. Three years later, when the House passed resolutions advising the colonists to be frugal in the use of British manufactures, it was the manufacturers and merchants and not the British Government especially, that was complained of. These resolutions, it is true, were provoked by certain Acts of Parliament imposing duties on certain articles, but there was an expression of loyalty contained therein. The merchants and the interests which they controlled, had no little share in the oppressive measures of the British Government, and were responsible in large measure for the expressions of dissatisfaction on the part of the colonists.

The merchants had much influence with the Board of Trade regarding colonial affairs, especially with respect to trade and frequently in regard to appointments to official positions in the colony. The royal governor stated in a letter to the Secretary of State, as late as 1770, that the attempt on the part of the colonists in Virginia, to systematically boycott, British goods, was largely due to the influence of the British merchants in having certain acts of Parliament passed laying duties on articles imported into the colony.

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The resistance of the colonists was against the merchants, and the British Government in so far as it was dominated by them. It was always, expressly stated by the colonists that they desired to continue loyal to the crown.

The governor was the representative of the king, but he did not possess absolute power. He exercised his own initiative, only in minor affairs, as practically all matters were referred to the home government. He was also greatly circumscribed in his actions, by the minute instructions furnished when he assumed the governorship, and by the constant communication with the home government. The self-governing spirit began to assert itself, after about 1700, and it was not always an easy matter to execute the royal instructions minutely. Not only the House of Burgesses, but also the Council which was the governor's cabinet, on some occasions after about that date, seriously interfered with the executive in the administration of the government. The controversies between certain governors and the Council, and the persistent opposition of the House and even the assumption by that body of certain executive functions, show that there was a strong tendency towards self-government. It would not be correct to conclude that the growing discontent of the colonists was due altogether to their desire for self-government, for the governors themselves determined very largely to what extent the popular spirit expressed itself. The royal governor was not disliked because he was an appointee of the king, for the colonists strongly maintained their allegiance to the crown, and whenever the governor showed a disposition to really serve the people, there was quietude and prosperity.

But when a dictatorial governor attempted to force the colonists to comply with the royal instructions, regardless of circumstances, it was quite natural that they desired relief from a system which placed such men over them. Of the nine governors who served after 1700, five were quite successful in making their administration prosperous and ⁱⁿ winning the esteem of the colonists. It is worthy of note that one of these (Gooch) resigned after twenty-two years of service, in order to return to England, and the other four died in office. It should also be recalled that one of these four (Botetourt) immediately preceded Dunmore, soon after whose appointment the colony revolted. Of the four who, owing to their dictatorial policy, experienced the greatest difficulty in executing the duties of the office two were removed by the home government, another resigned in order to avoid removal, and another (Dunmore) was serving when the Revolution began.

The successful governors sought to execute the royal instructions only so far as conditions in the colony made it advisable to do so. They were loyal to British interests, but they did not antagonize the colonists by making unnecessary demands of them. It was often quite difficult to fill the governorship with satisfaction both to the colonists and to the home government, yet these five governors were judicious and tactful enough to understand how to do it. To please the colonists, to fill the governorship with satisfaction to the home government, and to gratify the selfish demands of the British merchants was a delicate and difficult task to perform but it seems that these governors did it. This is accounted for by the fact that so long as the governor could keep the colony quiet and prosperous, and trade from the colony was successful, thus increasing the royal revenues,

and furnishing the merchants a lucrative return for their investment, little was said about the royal instructions, the royal prerogative or the popular spirit of the colonists.

Thus, in theory the governor, the highest official of the British Government in the colony, was expected to wield much power and to so dominate the administration as to make his influence paramount. He was to serve the interests of the British Government regardless of the conditions in the colony. In practice, however, it was found impossible for him to carry out this policy. It has been seen how his power was encroached upon by both the Council and the House and how he was compelled to submit regardless of the explicit instructions from the home government.

The instructions to the governors indicate that there was a determination on the part of the British Government to enforce a policy which was practically uniform from about 1700 to 1775. Since the governor was the highest representative of royal authority in the colony, the home government expected him to execute his instructions and to promote, in every way, its interests. In the case of certain governors who really attempted to carry out their instructions, it was found that much opposition was encountered. Such opposition was usually due, not to the instructions themselves, quite so much as to the manner in which a dictatorial executive sought to enforce them. For whenever the governor showed a disposition to carry out his instructions, only so far as it seemed practicable, the colonists usually responded to this expression of his desire to really meet the needs of the colony, and supported him.

The British Government could not fail to recognize the gradual decline of royal authority in the hands of the chief executive, and

was therefore, inclined to a more energetic plan of compelling the colonists to conform to the policy of that government.

Since the governor, himself, was not in certain cases very desirous of obeying minutely royal instructions, it was not strange that others holding royal commissions and also the provincial appointees should be somewhat lax in the observance of them. The tendency of the home government to increase rather than diminish the number of those holding royal commissions, did not check the decline of royal authority in the colony.

The Council was, in theory, the advisory board to the governor, but in practice it wielded much power and influence in the administration of the government. Although the royal instructions specified that the Council should occupy a subordinate position, still the British Government could not have failed to have known of the real power of that body. The royal commissions of the councillors, their appointments to the most important and lucrative offices, their executive, legislative and judicial functions, their social position in the colony, on account of their wealth and aristocratic connections, and the dignity and the privileges of ^{the} councillorship, made it possible for them to exert an influence in the administration of affairs, which could not be ignored by the governor. The removal of certain governors was due in fact, very largely to the opposition of the Council. Notwithstanding the complaints of the Council against certain governors, and the removal of some of them on account of controversies with that body, there seems to have been no desire on the part of the British Government to dispense with it. The willingness of the Council to work harmoniously with a governor, who was not dictatorial, but sincerely interested in the prosperity of the colony, no doubt, made a

favorable impression on the home government. It was recognized that it would be a difficult matter for the governor to attempt to execute the royal instructions without such a body. The British Government, doubtless, justified the continuance of the Council on the supposition, that the royal commissions of the councillors, their important part in the administration of the government, and their close association with the governor, would influence them to support the royal executive in his opposition to the spirit of popular government which occasionally asserted itself. This was, however, not the case, for the interests of the councillors were with the colonists rather than with the British Government. There were some occasions, of course, when the Council did not thoroughly endorse the popular measures as advocated by the House of Burgesses, but in the controversies between the colony and the home government which were of vital importance, the Council gave its support to the colony. There was, as might be expected, some objection on the part of the colonists to certain acts of the Council, but there was no general opposition to that small, but influential body, into whose hands so much power had been placed.

The intermediate position between royal and provincial functions as exercised by the Council is thus apparent. While holding royal commissions as the members of the governor's advisory board, the councillors were expected to stand between him and the colonists and to favor the interests of the British Government, rather than those of the colony, still as they were themselves, colonists, and owed their success to certain conditions existing in the colony, they quite naturally were interested in the promotion of provincial affairs.

The failure of the Council to fulfil the expectation of the British Government was thus due, not so much to the popular spirit of the colonists as to an error in judgment, on the part of the officials of the British Government, for they failed to recognize in regard to the Council, that inherent quality in human nature, known as self-interest.

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The House of Burgesses, the popular branch of the legislature, was expected to conserve the interests of the people and to prevent, if possible, oppressive government. As early as 1635, it wielded much power and during the Commonwealth, it was under popular influence the supreme authority in the colony. But for some time after the royal reaction (1681) especially under Berkeley, it was not popular but rather a dictatorship of gentry under the influence of a few wealthy

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Under Julyan and Moncrieff successively followed. In Julyan's time there was decided opposition on the part of the burgesses. This resistance to oppressive royal authority increased throughout the remainder of the colonial period, and was very pronounced at certain times in the eighteenth century.

The governor had in theory, much power over the House, but in actual administration he was compelled to call upon that body for assistance in conducting his government. In the seventeenth century the House was recognized as having a large share in the direction of matters of finance, and after about 1700, as has been shown, it practically controlled the financial administration of the colony. From a very early date the House maintained its right to levy taxes and the governor and the home government recognized this claim. Over the royal revenues such as the quit rents and the customs duties the House had little power but it controlled directly the other revenues of the colony.

The refusal of that body to make appropriations interfered very seriously with the plans of certain governors. It has been seen that the power over appropriations enabled the House to checkmate the governor in purely executive matters. The practice of giving detailed instructions as to the disposition of certain funds appropriated, left the governor but little discretion as to their use. The House not only prescribed in detail the amount for military supplies, but the military supplies were to be used but only by setting the hands of committees, dictated the course of military operations, and practically through the appointment and removal of officers, and much authority over the troops.

The power of the House was greatly increased by the fact that its control over finance was extended to the military and naval

colony. Although the government had no intention of separating the colonies from the empire, the government to separate the colonies had been combined in 1686, and it was not until 1706 that this was done. And when the separation did take place it was a voluntary act on the part of the House and not on account of royal instructions.

Special agents were, from time to time, sent to the colonies in England to negotiate matters in which the colonists were interested. After 1759 the home government permitted that body to have an agent who remained in England. The home government recognized the power of the House and from 1700 to 1775 it was repeatedly demonstrated that the royal administration would not be successful without the cooperation of that body.

The colonists realized that it was only through the House of Burgesses that they could ever hope to restrain a despotic governor and to prevent the execution of oppressive British policy. The submission of the governor to the demands of the House, from time to time, convinced that body of the gradual decline of royal authority in the colony and prepared the colonists for the Revolution.

But there was no organized movement in favor of independence, for up to the very beginning of the Revolution the colonists had scarcely maintained their loyalty to the crown. Since the royal governor and British officials who were in a position to observe the colony, and who would not likely exaggerate the financial condition of the colony, state that about the close of the seventeenth century, also near the Revolution Virginia paid more into the British treasury than any other colony, and since the colonists had no complaints of the government or of the interference of the crown, it is probable that the assistance in the Revolution was not at all what it was in other colonies.

Vita,

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his father's home in the public square, Williamsport,
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National Geographic Society, 1929-1930, and Secretary of the
National Geographic Society, 1930-1931. He returned to Johns Hopkins University in October 1931
to hold, during his studies in the University, a McKim
Scholarship.